



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Second periodic reports of States parties due in 1998

MYANMAR*

[11 June 2002]

* For the initial report submitted by the Government of Myanmar, see CRC/C/8/Add.9, for its consideration by the Committee, see documents CRC/C/SR.357-360 and CRC/C/15/Add.69. The appendices to the present report can be consulted in the files of the secretariat.

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I. INTRODUCTION

A. The State and the public

1. The Union of Myanmar is located in the South-East Asian region between east longitude 92° 10' and 101° 11' and north latitude 9° 32' and 28° 31'. Its area is 677,000 square kilometres or 261,228 square miles. Its neighbours are the People's Republic of China, the Lao People's Democratic Republic, Thailand, Bangladesh and India. It shares borders of 6,129 kilometres or 3,828 miles with its neighbours. The Gulf of Mottama lies in the south and the Bay of Bengal in the west. Myanmar's coastline is 2,229 kilometres or 1,385 miles long.

2. Located in the tropical zone, it has three seasons - the summer season, the rainy season and the cold season. The population of Myanmar, according to the 2001 estimate, is 51,140,000. The population of men is 25,420,000 and that of women is 25,720,000. The population of children under 16 is 17,700,000. The annual population growth is 2.02 per cent.

3. The Union of Myanmar is comprised of seven states and seven divisions.* It has 135 ethnic races. The majority are Bamar, who represent 70 per cent of the population. In the Union of Myanmar, there is religious freedom. According to the 1997 statistics, 89.28 per cent of the population are Buddhists, 5.06 per cent Christian, 3.78 per cent Muslim, 0.51 per cent Hindu, 1.21 per cent animist and 0.16 per cent other faiths. The State permits and is rendering assistance to all faiths to observe religious festivals in accordance with their traditions.

4. Since about the third century BC Myanmar lived under their own monarchs, founding city-states such as Beikthano, Hanlin, Thuwunna Bommi, Tagaung, Waithali and Shrikestra. During the reign of the powerful kings, all the separate city-states were united into a single empire. King Anawrahta founded the First Myanmar Empire (1044-1077), King Bayintnaung, the Second Myanmar Empire (1551-1581) and King Alaungphaya, the Third Myanmar Empire (1752-1761).**

* The seven states are Kachin, Kayan, Kayin, Chin, Mon, Rakhine and Shan states. The seven divisions are Sagaing, Taninthayi, Bago, Magway, Mandalay, Yangon and Ayeyarwady divisions.

** Pyu era, from the first to the ninth century AD.

Bagan era, from the tenth to the thirteenth century AD.

Pinya-Myinsaing era, from the thirteenth to the fourteenth century AD.

Sagaing era, in the fourteenth century AD.

Innwa era, from the fourteenth to the sixteenth century AD.

Nyaungyan era, from the fifteenth to the sixteenth century AD.

Toungoo era, from the fifteenth to the sixteenth century AD.

Nyaungyan era, from the seventeenth to the eighteenth century AD.

Koungboun era, from the eighteenth to the nineteenth century AD.

(According to the *Myanmar Alin Daily* of 4 January 2000).

5. The British colonized the whole of Myanmar in 1885 after waging three aggressive wars. Myanmar lost its sovereignty at that time. Though Myanmar was able to drive out the British colonialist with the help of Japan in 1941 during the Second World War, it fell under Fascist rule. In 1945, Myanmar, in cooperation with the Allied Forces, drove out the Fascists. But the nation fell under colonialist rule for the second time. Due to the anti-colonialist struggles launched by the entire patriotic people under the leadership of patriots including General Aung San, Myanmar regained independence on 4 January 1948 and became a sovereign nation.

B. The political and economic systems

6. Myanmar, which regained independence in 1948, faced a multi-insurgency after the Burma Communist Party went underground and launched armed opposition against the State in the same year, which is the result of the evil legacy of the colonialists. Due to the internal instability, nation-building and development undertakings gained less success. After 1988, during the time of the Tatmadaw Government, 17 armed groups returned to the legal fold and joined hands with the Government. As these armed groups have realized the sincere goodwill of the State, they are joining hands with the Government in actively developing their regions with full confidence in the State and participating in building a new nation. Only a small band of remnant members of the Kayin National Union (KNU) are still left to return to the legal fold.

7. The following successive Governments have ruled Myanmar during the indicated periods after the nation regained independence:

- (a) The parliamentary governmental period (1948-1958);
- (b) The caretaker governmental period (1958-1961);
- (c) The parliamentary governmental period (1961-1962);
- (d) The Revolutionary Council governmental period (1962-1974);
- (e) The Council of State governmental period (1974-1988);
- (f) The State Law and Order Restoration Council governmental period (1988-1998);

and

- (g) The State Peace and Development Council governmental period (1998-till date).

8. Myanmar has been an agro-based country throughout the successive eras. The nation's economic system of parliamentary government after regaining independence in 1948 was based on capitalism. Due to internal insurgency, the economy and nation building tasks did not make as much progress as expected. Though the Pyi-daw-tha scheme was laid down and implemented with the assistance of foreign experts, it failed to bear fruits. The Revolutionary Council took over the State's duties in 1962. The Revolutionary Council adopted the Socialist system and laid down the planned socialist economic system. The nation saw economic progress during the years from 1962 to the 1970s. The State-owned sector played a key role in the economy. The proportions of the cooperative and private sectors were small. The production and distribution, exports and investments of the nation fell, due to a decline in global trade, the centrally

controlled economic system and general weaknesses, in the later 1980s. The national economy further declined during that time. As the people were faced with economic hardships and disturbances in 1988, the nation faced near-disintegration. But the Tatmadaw was able to save the nation in time. The State Law and Order Restoration Council adopted the market-oriented economic system and the open-door policy. It issued an announcement to practise an “independent and active foreign policy”. The announcement reflects Myanmar’s firmness in its views and activities and the objectives of its changes based on the five principles of peaceful coexistence: mutual respect for territorial integrity and sovereignty, non-aggression, non-interference in one another’s affairs, equality and mutual benefit, and peaceful coexistence. Myanmar has cordial relations with countries of the world. In this way the nation shows the perpetual firmness of its foreign policy.

9. As Myanmar is an agro-based nation, it is striving to develop its agriculture. A total of 137 irrigation facilities were built in the nation between 1948 and 1988; 124 new dams were built between 1988 and August 2001.

10. In developing the basic economic infrastructures, 4,238 miles of road have been extended and 114 major bridges of over 100 feet in length, including 12 river-crossing bridges, have been built in the entire country. In April 2000, 3,852 miles of railroad were built. Communication systems have also been developed. Investment laws, rules and regulations have been enacted in accordance with the market-oriented economy. Monetary and banking systems have been transformed. Of the 43,640,000 acres of cultivable land in the nation, 24,350,000 have been put under various kinds of crops; thus, the nation still has 19,290,000 acres of land to increase crop production. The rich land and water resources of the nation are being systematically utilized in carrying out nation-building and national development endeavours. It can be seen that the foreign joint ventures to tap the natural resources are benefiting the nation, for example, offshore oil and gas exploration and fish, prawn and pearl production enterprises.

C. Nurturing and Myanmar tradition

11. The majority of the people living in Myanmar are Buddhists. The teachings of Lord Buddha have much influence on the Myanmar social system. Thus, the teachings of the Lord Buddha are still strictly observed. From the time a woman is pregnant, the parents take great care of the baby’s mental and physical progress. It is a tradition that the father, the mother, the grandparents and the relatives all have to look after the expectant mother’s physical and spiritual health. In accordance with the Buddha’s teaching, “Sanyottasa Gatha, Vaggayakkha Sutta”, it is said, that the expectant mother will have to take care of her food and health. The baby’s brain starts to develop and begins to know the senses from the time the pregnancy reaches five months. The pregnant mother must know this fact and should avoid eating too much spicy food and food that is too cold or hot. She should try to develop her mental and physical health and develop kindness in mind and action. It is a fine tradition of Myanmar which has been practised for generations. From birth, the baby is given great care and love. Myanmar have a saying, “Miba metta ananda”, meaning the parents’ love for their children is infinite.

12. The parents have the duty to nurture their children to be healthy, intelligent, clever and polite from the time they are born. According to the Buddha's teaching, "The parents are the first mentors of a child". Thus, the parents call their children "precious gems". In Myanmar tradition, culture and religion, there are the duties of the parents, the children, the teachers and the pupils. They are as follows:

(a) The duties of the parents are: to prevent their children from misbehaving, to show them the way to good conduct, to make them learn arts and sciences, to give them in marriage to suitable persons and to give them their inheritance at the proper time;

(b) The duties of the children are: to attend closely to their parents in order to provide them with all the requisites in life, to carry out the social affairs of the business matters of their parents, to maintain their parents' properties and culture, to obey their parents and, on their parents' death, to do good deeds in dedication to them and to share the merits with them;

(c) The duties of the teachers are: to teach pupils good behaviour, to impart knowledge to them, to train them without any discrimination, to speak well of their virtues and attainments and to keep them from danger;

(d) The duties of the pupils are: to stand up and welcome their teachers when they see the teachers coming, to attend and wait upon their teachers, to obey the words of the teachers, to serve the teachers and supply their needs, and to learn carefully and respectfully what is taught by the teachers.

13. In accordance with the Myanmar tradition, the extended family system is practised in nurturing children. According to this system, not only the parents, but also the grandparents and relatives take part in nurturing children. It is an inborn social task.

14. Concerning education, there are Myanmar sayings, "Wisdom cannot be stolen", and "The learned are tested and proven at any situation", which encourage children to have more interest in pursuing studies. On 13 February, the birthday of Myanmar's national leader General Aung San, "Children's Day" is observed every year. On that day, story-telling, sports and poem-reciting competitions are held at pre-primary schools and welfare organizations under the Social Welfare Department. Myanmar not only has love and kindness towards normal children but also towards the handicapped. As the handicapped are regarded as the unlucky ones, there is much love and sympathy for them. As these disabled children enjoy greater love and kindness, it can be seen that they have the will to trust and rely on the community. Thus, progress is being achieved in educating them.

15. In addition to the parents and the teachers, the monastic education schools also have the duty to nurture children. Thus, the Myanmar traditions and culture and the religious teachings are being upheld. The monastic education schools played a vital role in the nation's education sector till the mid-twentieth century. In rural areas, children are sent to monastic education schools to study religion and education. Some of the monastic education schools still maintain this tradition. Children who are not able to attend classes at government education schools have to study at the monastic education schools. Moreover, youth development centres have been set up for orphans and the children of the poor.

II. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize national law and policy with the provisions of the Convention

16. Myanmar became a signatory to the Convention on the Rights of the Child on 16 July 1991. Myanmar, which continuously gives priority to the welfare of children, maintained its tradition of working for the well-being of children after becoming a signatory to the Convention. Measures are being taken in the child survival and development sector mainly by the Ministry of Health; in protecting children mainly by the Ministry of Social Welfare, Relief and Resettlement; in the child's all-round development sector, which covers the child's intellectual development, through cooperation between the Ministry of Education (MOE) and the Ministry of Social Welfare, Relief and Resettlement; in the child participation sector through cooperation between the MOE, the Ministry of Social Welfare, Relief and Resettlement, the Ministry of Information, the Ministry of Religious Affairs and non-governmental organizations.

B. The Child Law

17. In order to implement the rights of the child embodied in the Convention, the Child Law was promulgated on 14 July 1993. The Child Law prescribes the measures to be taken in accordance with the programmes which give priority to children and arrangements to protect children. Matters related to the child are being carried out as follows:

- (a) Taking measures to enable children at the pre-primary age to fully enjoy pre-primary education;
- (b) Nurturing disabled children to be able to do their daily activities on their own;
- (c) Giving vocational and school education to disabled children.

18. The provisions for carrying out the above-mentioned tasks are prescribed in the Child Law. In order to systematically carry out measures for pre-primary education, section 57 of the Child Law prescribes that "the Director-General of the Social Welfare Department may establish local residential nurseries required for nursing and care of children who have not attained the age of 5 years".

19. In addition, with regard to powers, section 58 (a), (b) and (c) of the Child Law prescribes that the Director-General may exercise the following powers:

- (a) Supervising, inspecting, giving guidance, rendering expertise and giving support as may be necessary to day nurseries and pre-primary schools established on the self-help system;
- (b) Supervising, inspecting, giving guidance, rendering expertise and giving support as may be necessary to homes established by a voluntary social worker or by a non-governmental organization;
- (c) Supervising, inspecting, giving guidance and rendering expertise to private day nurseries and pre-primary schools established on payment of fees.

20. With regard to disabled children, section 18 of the Child Law prescribes as follows:

- (a) A mentally or physically disabled child:
 - (i) Has the rights to acquire basic education (primary level) or vocational education at the special schools established by the Social Welfare Department or by a voluntary social worker or by a non-governmental organization;
 - (ii) Has the right to obtain special care and assistance from the State;

(b) The Social Welfare Department shall lay down and carry out measures as may be necessary in order that mentally or physically disabled children may participate with dignity in the community, stand on their own feet and promote self-reliance.

21. With regard to measures taken by the MOE in the child's all-round development sector, section 20 (a) of the Child Law prescribes as follows:

- (a) Every child shall:
 - (i) Have opportunities of acquiring education;
 - (ii) Have the right to acquire free basic education (primary level) at schools opened by the State.

22. Section 20 (b) of the Child Law prescribes the functions and duties of the MOE as follows:

- (b) The Ministry of Education shall:
 - (i) Have the objective of implementing the system of free and compulsory primary education;
 - (ii) Lay down and carry out measures as may be necessary for regular attendance at schools and the reduction of untimely dropout rates;
 - (iii) Make and lay down arrangements for the literacy of children who are unable for various reasons to attend schools opened by the State.

23. Similarly, with regard to child survival and development, section 19 (a) of the Child Law prescribes that "every child has the right to enjoy health facilities provided by the State".

24. Then, with regard to the duties and powers of the Ministry of Health, section 19 (b) (1) prescribes that "the Ministry of Health shall lay down and carry out measures for the survival of the child, immunization of the child, breastfeeding of the child, family planning, adequate nutrition for the child, elimination of iodine deficiency disease, school health and family health".

C. Measures taken to reinforce administration

25. The Government of Myanmar formed a National Committee on the Rights of the Child (NCRC) in 1993 to systematically enforce the Child Law. Subsequently, working committees were formed in states/divisions, districts, up to township level, all over the country. The aim of forming these committees is to build capacity and to deliver services for children. The Monitoring and Evaluation Subcommittee was formed on 20 May 1999 to write a national report and the committee paid visits to Thailand, Viet Nam and the Philippines within the Asian Pacific Region to share experiences and to gain new information and knowledge. The duties and powers of the Monitoring and Evaluation Subcommittee have been determined and the Monitoring and Evaluation Framework is being carried out.

26. Financial resources are one of the most necessary resources in promoting the welfare of children. Thus, measures have been taken to obtain donations and property, apart from the government budget allocation. One of the duties and powers of the committee as prescribed in section 5 (e) of the Child Law is “giving guidance and supervision in obtaining donations and property from local and foreign voluntary donors and to enable effective utilization of such donations and property in the interests of children”.

D. Mobilization of the community

27. In order to raise public awareness and public participation in CRC-related services, the National Committee on the Rights of the Child has published a total of 9,000 copies of the Child Law (both in English and Myanmar) and distributed them free of charge in communities. This book has also been translated into Kayin, Shan, Mon, Kachin and Chin languages and 500 books are printed for each language and have been distributed in these areas. Brochures, posters, handouts and table calendars with messages of the CRC were published and distributed in 1997.

28. The Convention on the Rights of the Child and the Child Law have been included in the curriculum of the training courses of the Department of Social Welfare, the Institute of Central Civil Service, the Union Solidarity and Development Association, the Myanmar Red Cross Society, etc. The National Committee on the Rights of the Child (NCRC) was formed on 30 September 1993 as stated in section 4 of the Child Law, under Government Notification No. 15/93. The duties and powers of the NCRC are prescribed in section 5 of the Child Law, and to systematically and successfully implement the provisions stated, a working committee was formed on 17 June 1997 under NCRC Notification No.1/97. Subsequently, eight subcommittees were formed on 28 October 1997 under NCRC Notification No. 2/97 and assigned respective duties. The NCRC has formed working committees in states/divisions, districts and townships and also empowered them as prescribed in section 74 (b) of the Child Law in accordance with NCRC Notification Nos. 2/94, 3/94, 4/94 and 1/95.

29. NCRC held nine meetings and at the fourth meeting, the eight subcommittees were formed, namely Legal Affairs, Health, Education, Protection, Information, Advocacy, Economic Development and Sports. The Monitoring and Evaluation Subcommittee was added and formed on 20 May 1999. The Chairman of NCRC met with the chairmen and secretaries of the various subcommittees and directed them to treat CRC as top priority. The secretary of NCRC also held advocacy meetings at townships to enhance the awareness and involvement of the community and also distributed CRC booklets, brochures and posters.

E. International coordination and cooperation

30. Myanmar works closely with other countries for the successful implementation of CRC by participating in workshops and seminars held by United Nations agencies within the country and also abroad.

31. The following table shows the participation of the Myanmar delegations at the seminars and workshops held abroad:

	Workshop/meeting/ conference	Number in delegation	Duration	Sponsoring organization	Country
1	Fifth Asia-Pacific Children's Convention (APCC), Fukuo, Japan	9	25.7.93- 4.8.93	Committee on APCC	Japan
2	Sixth APCC	9	21.7.94- 4.8.94	Committee on APCC	Japan
3	Meeting of the APCC	3	28.9.94- 2.10.94	Singapore	Singapore
4	Seventh APCC	9	29.7.95- 10.8.95	Committee on APCC	Japan
5	Eighth APCC	9	27.7.96- 7.8.96	Committee on APCC	Japan
6	Ninth APCC	9	26.7.97- 5.8.97	Committee on APCC	Japan
7	Tenth APCC	13	18.7.98- 28.7.98	Committee on APCC	Japan
8	First Asian Education, Welfare and Cultural Exchange Programme	22	17.1.97- 24.1.97	Xim Phou Moon Charity Home	Malaysia
9	Vietnamese Children's Camp	5	18.7.98- 22.7.98	Viet Nam Committee for Protection and Care of Children	Viet Nam
10	World Organization for Early Childhood Care and Development (ECCD) Education	1	21.8.93- 30.8.93	Asia and Pacific	Japan
11	Training Workshop for Youth Workers	4	11.9.93- 22.9.93	Thailand	Thailand
12	Asia Pacific Training Programme on Monitoring and Reporting under the CRC	1	1.12.93- 7.12.93	Thailand	Thailand

Table (continued)

	Workshop/meeting/ conference	Number in delegation	Duration	Sponsoring organization	Country
13	Third Regional Meeting on CRC	1	4.4.95- 7.4.95	Viet Nam	Viet Nam
14	Fourteenth session of the United Nations Committee on the Rights of the Child	9	12.1.97- 18.1.97	Switzerland, Geneva	Switzerland
15	Asia and Pacific Children Painting Contest	1	30.3.98- 2.4.98	The Committee on the Asia and Pacific Children Painting Contest	Japan
16	National Meeting on CRC	3	18.5.98- 20.5.98	UNICEF	Thailand
17	Regional Conference on complying with the standards of the CRC	1	18.7.98- 20.7.98	The Philippines	The Philippines
18	Fourth Ministerial Meeting on Child Development by the year 2000	1	12.11.98- 14.11.98	Thailand	Thailand
19	Regional Consultation on Special Needs of Street and Working Children, Kathmandu	1	8.12.98- 11.12.98	WHO	Nepal
20	Expert Group Meeting on the ASEAN Early Child Care and Development Project and phase one	2	2.6.99- 4.6.99	UNICEF	Singapore
21	Training on Trainers in Children Education	1	7.6.99- 19.6.99	UNICEF	Singapore
22	Monitoring Study Tour on CRC	5	24.7.99- 14.8.99	UNICEF	Thailand, Viet Nam, The Philippines
23	First January 2000 Caring Day Celebration	15	28.12.99- 4.1.2000	Xin Phou Moon Charity Home	Malaysia

32. The following table shows the seminars and workshops held in the country sponsored by international organizations.

33. The activities and programmes held by the Education and Health Departments are discussed in detail in their respective sectors.

	Workshop/meeting/conference	Duration	Sponsoring organization
1	Review Meeting on Child Law Implementation	19.12.95-20.12.95	Department of Social Welfare (DSW) and UNICEF
2	Training Workshop for Members of the State/Division Committees on the Rights of the Child	17.10.95-20.10.95	DSW and UNICEF
3	Awareness Workshop on the Convention on the Rights of the Child in Mandalay	11.11.96-12.11.96	DSW and UNICEF
4	National Workshop on the CRC for NGOs	27.11.96-28.11.96	DSW and UNICEF
5	Briefing Meeting on the Myanmar Country Report on the Implementation of the CRC	13.9.96	DSW and UNICEF
6	Awareness Workshop on CRC	24.3.97-25.3.97	DSW and UNICEF
7	Workshop on Review of the Child Law	21.10.97-22.10.97	DSW and UNICEF
8	Workshop on Assessment of Programme for CEDC	30.12.97-31.12.97	DSW and UNICEF
9	Preview meeting with relevant partners	23.1.98	DSW and UNICEF

III. DEFINITION OF THE CHILD (art. 1)

34. The Child Law was enacted on 14 July 1993 for protection and care of children after Myanmar became a State party to the Convention. Section 2 of the Child Law prescribes that:

(a) “Child” means a person who has not attained the age of 16 years;

(b) “Youth” means a person who has attained the age of 16 years but has not attained the age of 18 years.

35. Matters regarding exemption from penal action were mentioned in the initial report.

IV. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

Legal provisions

36. Facts regarding relevancy with the law have already been mentioned in the previous report. However, reference will be made to chapter 5, section 8 and section 9 (a), of the Child Law to mention some facts regarding the above matters. Section 8 prescribes that “the State recognizes that every child has the right to survival, development, protection and care and to achieve active participation within the community”, while section 9 (a) prescribes that “every child has the inherent right to life”.

37. Section 14 prescribes that, Every child shall, irrespective of race, religion, status, culture, birth or sex:

- (a) Be equal before the law;
- (b) Be given equal opportunities.

38. Myanmar naming customs for a child, and non-existence of the custom for a married woman to take her husband's name, were explained in the previous report. Moreover, various forms of legal marriage for adults were also mentioned in the previous report.

39. Non-discrimination as regards children can be clearly seen in the education sector where the percentage of boys attending school is 51 per cent and for girls is 49 per cent. Ethnic children also have equal opportunity to participate in education.

40. The same trend can be seen in the services delivered to the children. There is no discrimination between sex and race. Institutions have been opened for both boys and girls. Therefore, in the residential nurseries boys and girls of all races are cared for equally. Moreover, training schools for boys and girls have been opened separately where boys and girls are also being provided with care on an equal basis.

41. Health-care services have also been given equally to children, regardless of sex and race. Children (both sexes) receive medical treatment in child hospitals equally.

B. Best interest of the child (art. 3)

Legal provisions

42. All sections of the Child Law prescribe the best interest of the child. To cite some sections as an example, section 23 prescribes as follows:

Every child has the right to:

- (a) Rest and leisure and to engage in play;
- (b) Participate in sport activities appropriate to his age;
- (c) Participate in cultural and artistic activities.

43. Section 25 prescribes as follows:

Every child has, in accordance with the law:

- (a) The right of inheritance;
- (b) The right to own and hold property;
- (c) The right to sue and be sued.

44. With the aim of ensuring that every child enjoys fully the rights mentioned in the Law, sections 26 and 27 of the Child Law prescribe as follows:

26. In order that every child may enjoy fully the rights mentioned in this law:

(a) The government departments and organizations shall perform their respective functions as far as possible;

(b) Voluntary social workers or non-governmental organizations also may carry out measures as far as possible, in accordance with law.

27. Persons having responsibility in respect of the affairs of children shall have as their objective the best interests of children under the principle “First Call for Children” regarding protection and care of every child by the community.

Implementation

45. It is the tradition of Myanmar for the parents to bear the responsibilities for their children. The five duties of the parents have already been mentioned in paragraph 12 of the introduction and have been practised as a part of the traditional heritage of Myanmar society.

46. One of the duties of the parents is to hand over property as inheritance to their children at the proper time for them to be able to stand on their own feet.

47. The children, who are very well protected and supported by the parents when they are alive, also have the right to inherit when the parents pass away. There is no gender discrimination in inheritance.

48. The children enjoy the best services in the education, health and social sectors. The facilities enjoyed by the children in the health and education sectors have been discussed in detail in the respective sectors.

49. Orphans and disabled children enjoy the same services accorded to normal children, by providing social services towards the best interests of the children.

50. Thus, it is evident that children enjoy their rights.

C. Survival and development of the child (art. 6)

Legal provisions

51. Special emphasis has been given by the Government of Myanmar to the survival of the child. Care has been given even at the foetal stage. Section 19 of the Child Law prescribes as follows:

(a) Every child has the right to enjoy health facilities provided by the State;

- (b) The Ministry of Health shall:
- (iii) Lay down and carry out measures for the survival of the child, immunization of the child, breastfeeding of the child, family planning, adequate nutrition for the child, elimination of iodine deficiency disease, school health and family health.

Implementation

52. Measures have been taken not only for the survival but also for development and these activities are mentioned in the respective sections.
53. Data regarding births and deaths of children have been collected from 261 townships out of 324 townships. National registration activity has been carried out by the Government.
54. Birth certificates have been issued in urban areas by the township medical officers for both hospital and home delivery. For the rural areas, the rural health personnel assigned by the township medical officers can issue the birth certificates.

D. Due weight given to the child's views (art. 12)

Legal provisions

55. It was mentioned in the previous report that section 13 (a) (b) (c) of the Child Law clearly prescribes the weight given to the child's views.
56. Section 33 (c) (iv) of the Child Law, which prescribes that "hearing the explanation of the parents, guardian or the child, if necessary", reveals the weight given to the children's own views.
57. Section 35 (b) of the Child Law also prescribes that "the Director General of the Social Welfare Department may direct the relevant social welfare officer to entrust the child to the care of the parents or guardian on execution of a bond to the effect that they will take good care and control of the child, in the case of a child who has parents or guardians and who is found, on scrutiny, to need only the custody and care of such parents or guardians".
58. Measures have been taken to act in accordance with the child's desire. When a child is faced with a problem, the Director General of the Social Welfare Department may grant the child permission to leave a training school as a temporary arrangement, the right to travel on an emergency parole licence to visit parents, guardians or near relatives who are seriously ill, and the right to live outside the training school with any suitable person.
59. Section 36 (e) of the Child Law prescribes that the Director General of the Social Welfare Department may delegate the powers conferred on him to a social welfare officer or principal of a training school in order to hasten and deal effectively with the personal problems and attitudes of the child.

Implementation

60. Children can express their inner feelings through paintings, colouring, wall journals, etc. There is no prohibition on these activities.

61. Children's artistic abilities, competitions and interviews are shown and aired through radio and television.

V. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

Legal provisions

62. The previous report gave a full account of the above sector according to the law. It showed clearly that there is no cause for any child in Myanmar to be stateless.

Implementation

63. Traditions and culture in Myanmar give the parents full rights to choose the name for their offspring. Names are chosen according to the parents' choice, mostly with the hope that it will bring luck and blessings to the child. Most of the names are chosen according to the day of their birth. Name-giving ceremonies are usually held, with the relatives and guests showering the child with blessings and presents.

64. Loving care is given to the child by the mother (single parent) and relatives regardless of whether he/she is born in or out of wedlock.

B. Preservation of national identity (art. 8)

Legal provisions

65. Section 8 of the Child Law prescribes that, "the State recognizes that every child has the right to survival, development, protection and care and to achieve active participation within the community". Section 9 of the same law prescribes that "every child has the inherent right to life and that the parents or guardian shall register the birth of the child in accordance with the law".

66. Section 7 of the Citizenship Act prescribes that "a child born to parents both of whom are citizens, to one parent who is a citizen and one parent who is an associate citizen, one parent who is a citizen and one parent who is a nationalized citizen, whether living in the country or abroad, is given citizenship".

Implementation

67. Each and every child born in Myanmar is registered and has a birth certificate and is issued a national registration card when he/she attains his/her tenth birthday. The necessary services have also been committed in order to record the personal facts and data of every child.

C. Access to relevant information (art. 17)

Legal provisions

68. Section 22 (a) of the Child Law prescribes that, “every child shall have the right of access to literature contributory to his or her all-round development and to acquire knowledge”. Section 22 (b) also prescribes the functions of the Ministry of Information. It prescribes that the Ministry of Information shall:

(a) Produce and disseminate children’s books which are of cultural benefit to children, which promote and keep alive patriotism and which are aimed at the promotion of the children’s moral well-being; encourage the production and dissemination of children’s books by non-governmental organizations and private publishers, collect and maintain by special arrangement children’s books at the libraries established by the Information and Public Relations Department;

(b) Educate and disseminate by mass media to ensure that children and their parents or guardians are made familiar with the rights and ethics of the child and that children have access to national and international news and information concerning them.

69. Regarding media, as much as there is positive effect on the child, there can be negative effect also. Section 66 (e) and (f) of the Child Law prescribes that whoever reveals information concerning the identity of a child who is accused of having committed an offence or who is participating as a witness in any case on the radio, on film, on television, or in newspapers, magazines, journals or publications, or displays or makes use of the photograph of the child without the prior consent of the relevant juvenile court, or uses the child in a pornographic film, video or photograph shall be punished with imprisonment for a term which may extend to two years or with a fine which may extend to 10,000 kyats, or both.

Implementation

70. To develop the knowledge and cognitive ability of children and to promote their environmental observation ability, the Ministry of Information has published and distributed children’s books.

71. Weekly journals for children are published by the Printing and Publishing Department. Fifty-six thousand copies of *Shwethway* magazine and 6 kinds of children’s books are published, and through publishing cooperation 20 kinds of books, magazines and journals for children were published. Articles from international magazines and journals dealing with aesthetic enjoyment and knowledge for children have been translated into Myanmar and have also been described in Myanmar magazines and journals for children. In order to attain development in literature for children, children’s literature is honoured in Myanmar by the National Literacy Award and the Sarpay Berkman Award.

72. The radio programmes that have been broadcast are as follows:

Year	Number of entertainment programmes	Number of educational programmes	Topics
1995	23	26	Tazaundaing Festival, boat race, Union Day, Peasants' Day, Thingyan Festival, days of special significance, English lessons, health, poetry, 38 rules for a beatific life, eradication of drugs, life of Buddha, etc.
1996	24	70	
1997	33	73	
1998	18	87	
1999	-	169	
2000	-	151	

73. Televised programmes are as follows:

Year	Number of entertainment programmes	Number of educational programmes	Topics
1995	180	75	Children's programmes, English lessons, songs and dances of children, "Let's play" programme, cartoons, Myanmar traditional games, 38 rules for a beatific life, life of Buddha, quizzes, poetry, dances.
1996	165	68	
1997	180	70	
1998	234	408	
1999	252	222	
2000	246	247	

74. The Motion Picture Enterprise under the Ministry of Information releases newsreels and recorded colour news films to disseminate the CRC to the public.

75. The Information and Public Relation Department has opened libraries in its 61 district offices, 245 township offices and 6 additional offices with special reading rooms equipped with books for children in order to promote children's knowledge. Necessary furniture for these libraries was supported by UNICEF. The libraries also have TV sets, video players, radios and cassettes. Some offices have video cameras with the aim of implementing mass media. Mobile libraries are also set up for children in rural areas.

D. Freedom of thought, conscience and religion (arts. 14, 15, 16)

Legal provisions

76. Section 14 of the Child Law, which is concerned with religion, prescribes, "every child shall, irrespective of race, religion, status, culture, birth or sex: (a) be equal before the law (b) be given equal opportunities". These statements were already mentioned in the initial report.

Implementation

77. Although Buddhism is practised by approximately 89 per cent of the population, there is full freedom of worship for other religions such as Christianity, Hinduism, Islam and others. However, children are not conscious of the difference of religion between themselves and thus there is always integration and cooperation among them. Children of different religions are integrating and learning in pre-primary schools, State schools and universities and also taking part together in friendly sports and art competitions.

E. Freedom of association (art. 15)

Legal provisions

78. Section 15 of the Child Law prescribes:

Every child:

- (a) Has the right to freedom of speech and expression in accordance with the law;
- (b) Has the right to freedom of thought and conscience and to freely profess any religion;
- (c) Has the right to participate in organizations relating to the child, social organizations or religious organizations permitted under the law.

Implementation

79. Myanmar children have always enjoyed the privilege of joining associations of their choice according to their interests. Social and religious organizations have legally existed for ages and children belong to these organizations and have carried out their activities. At present, the Union Solidarity and Development Association, the Red Cross and the Voluntary Fire Services are the dominant social organizations and children actively take part in these organizations' activities.

80. For the children to express their feelings freely, extempore talks, essay competitions and painting competitions are held for the children in the community and in schools on auspicious days.

81. Churches, mosques and temples are built together with monasteries in every part of the country. Religious leaders from all religions hold religion classes for their respective children. Literature for easy reading on all religions also exists. In Myanmar, a child who has Buddhist parents relies on Buddhism traditionally, and a child of Christian or Hindu or Muslim parents also relies on his or her parents' religion. If the child's parents are not the same religion the child follows either the father's or mother's religion, or both. The religious organizations and literature that can give children religious guidance or instruction also exist and children can learn and follow the religion based on their own interest.

F. Protection of privacy (art. 16)

Legal provisions

82. Section 66 (d) of the Child Law prescribes that whoever wilfully maltreats a child, with the exception of admonition by a parent, teacher, or other person having the right to control the child, and which is for the benefit of the child, shall be punished with imprisonment for a term which may extend to two years, or with a fine which may extend to 10,000 kyats, or both. Section 52 (c) of the same law prescribes that the officer in charge of a prison shall grant the imprisoned child the right to meet parents, guardians, relatives and friends and the right to be sent food and prescribed articles in accordance with the existing regulations and by-laws.

Implementation

83. Myanmar families have always been of the extended type and thus the children are well cared for not only by the parents and the relatives but also by the community. Thus, the child is well protected and is very psychologically secure.

84. Institutionalized children are also not deprived of contact with their families. They enjoy the right to have regular contact with their parents and relatives and the gifted, talented child, regardless of sex, race or religion, is also given opportunities to develop his/her potential.

G. Abuse, torture and deprivation of liberty (art. 37)

Legal provisions

85. Section 13 (c) of the Child Law prescribes that, “the child shall be given the opportunity of making a complaint, being heard and defended in the relevant government department, organization or court either personally or through a representative in accordance with law, in respect of his rights”, and section 29 of the Child Law also prescribes that, “no action shall be taken under any criminal law against any child who has escaped from a training school, temporary care facility or a custodian”.

86. To protect the child from abuse and torture, section 32 (d) specifically prescribes that, “a child in need of protection and care is one who is in the custody of a cruel or wicked parent or guardian”.

87. The penalties for committing the offences regarding the abuse and torture of the children are prescribed in section 65 of the Child Law, which states that whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to six months or with a fine which may extend to 1,000 kyats, or both:

(a) Employing or permitting a child to perform work which is hazardous to the life of the child or which may cause disease to the child or which is harmful to the child’s moral character;

(b) Taking a child to or allowing him to enter a place where only alcohol is sold; sending the child to buy alcohol, selling alcohol to the child, permitting the child to take alcohol, employing or permitting the child to work in a business that trades in alcohol;

(c) Urging, inducing or abetting the child to gamble;

(d) Accepting as pledge any property from the child or abetting the child in any manner to pledge property;

(e) Purchasing any property sold by a child, with the exception of purchasing property from a child who earns a livelihood by selling;

(f) Inducing a child to escape from a training school, home, temporary care facility or custodian; abetting the running away; harbouring, concealing or preventing the child from going back to the original place, knowing that the child has escaped.

88. Section 66 (a) (b) (c) and (d) of the Child Law protects the children from being degraded and abused. The law prescribes that whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to two years, or with a fine which may extend to 10,000 kyats, or both:

(a) Ignoring knowingly that a girl under his guardianship who has not attained the age of 16 is earning a livelihood by prostitution;

(b) Permitting a child under his guardianship to live together or to consort with a person who earns a livelihood by prostitution;

(c) Employing a child to beg for his personal benefit; failing to prevent a child under his guardianship from begging; making use of the child in any manner in his livelihood of begging;

(d) Wilfully maltreating a child, with the exception of the type of admonition by a parent, teacher or other person having the right to control the child, which is for the benefit of the child.

89. There is no death penalty, life imprisonment or whipping for Myanmar children. It is explicitly prescribed in section 45 of the Child Law that “notwithstanding anything contained in any existing law, a death sentence, transportation for life or a sentence of whipping shall not be passed on any child”.

Implementation

90. Apart from the provisions stated above, other activities have been implemented to protect the child from being abused and deprived of liberty. Institutions to take care of these children have been opened and educational talks and training are given to the personnel who will take care of these children. The number of training courses and trainees are shown in appendix A.

VI. FAMILY CARE AND ALTERNATIVE CARE

A. Responsibilities of parents (art. 5)

Legal provisions

91. Section 11 (a) and (b) of the Child Law is in connection with the responsibilities of the parents. Section 11 (a) stipulates that “maintenance, custody and care of children, [and] cultivating and promoting the all-round physical, intellectual and moral development of the child shall be the primary responsibility of parents or guardian”. Section 11 (b) prescribes that “the child shall be entitled to a monthly allowance for maintenance from his parents who fail or refuse to maintain him”.

Implementation

92. Myanmar parents, as stated in the Introduction, have traditionally carried out the five duties preached by Lord Buddha. A very close relationship exists in Myanmar families and extended families even today. Because of this closeness and cohesiveness, children always have a strong social support and thus there are fewer juvenile problems.

B. Separation from parents (art. 9)

Legal provisions

93. Parents and the children are usually not separated in normal situations. Even in unusual situations, plans and programmes are drawn up for the child to stay together with the parents, especially with the mother. A mother who is serving a prison sentence can choose whether to have the child with her or not. This has been reported in the initial report.

Implementation

94. In Myanmar, the solidness of the family structure has been stated in the other sections of this report. However, social problems do exist to some extent. The causes of the child being separated from the parents have been studied and the findings are as follows:

- (a) Death of both parents;
- (b) Divorce of the parents;
- (c) Neither parent could take the responsibility;
- (d) Unmanageable or uncontrollable child;
- (e) Children in conflict with the law.

95. Children in the above-mentioned situations have been taken care of by the Department of Social Welfare and also by voluntary organizations. The institutions provide the children with the following programmes:

- (a) Education;
- (b) Vocational training;
- (c) Civic duties;
- (d) Physical and other developmental activities ;
- (e) Mental development.

C. Family reunification (art. 10)

Legal provisions

96. Regarding family reunification, section 12 of the Child Law states as follows:

Every child:

- (a) Shall have the right to live with and be brought up by both parents or any one parent if they are alive;
- (b) Shall not be separated forcibly from his or her parents, except in a case where, in accordance with law, separation is necessary for the best interests of the child;
- (c) Shall have the right to maintain contact on a regular basis with parents lawfully separated, if it is not prejudicial to the interests of the child;
- (d) Has the right to guardianship in accordance with law, in respect of his person or property.

Implementation

97. Positive interaction exists between parents and children in the Myanmar family. It is not only the parents who perform their five duties and responsibilities but their offspring must also carry out their five duties and responsibilities. The children are taken good care of by the parents, who keep the children under their eyes. In some exceptional cases where the parents have to leave the children, the children are kept with the grandparents and relatives who will take good care of them. As there is no problem, there is no section in the Child Law concerning article 10 of the Convention.

D. Protection of children deprived of a family environment (art. 20)

Legal provisions

98. Section 32 of the Child Law is concerned with the child in need of protection and care. It stipulates that a child in need of protection and care is:

- (a) One who has no parents or guardian;
- (b) One who earns his living by begging;
- (c) One who is of so depraved a character that he is uncontrollable by his parents or guardian;
- (d) One who is in the custody of cruel or wicked parents or guardians;
- (e) One who is of unsound mind;
- (f) One who is afflicted with a contagious disease;
- (g) One who uses a narcotic drug or a psychotropic substance;
- (h) One who is determined to be such from time to time by the Social Welfare Department.

Implementation

99. Children in the institutions under the Department of Social Welfare and voluntary homes have been mentioned in the respective chapters of this report. The children in these institutions are sent back to the parents and guardians once their addresses are obtained. For some children who need to be taken care of by the institutions and homes, they are given appropriate training (see appendix B). After the children have finished primary, middle and higher studies, they are given vocational training to earn their livelihood (see appendix C). The children are not only sent back to the parents and guardians, but also are placed in jobs after the appropriate training (see appendix D). Health-care services are provided by a departmental doctor and voluntary doctors. Children in need of medical treatment are provided medical treatment by a departmental doctor and voluntary doctors. In case of need to receive medical treatment in hospital, the children are sent to the relevant hospitals.

100. Relating to giving protection and care to children who have no parents or guardians and to disadvantaged children, six residential nurseries, each accommodating 100 children, have been established for children under 5. For children who are in need of protection and care, the Social Welfare Department has established eight youth training schools (boys and girls) and six women's development centres, and can provide care and training to 2,450 children on average. Although the idea that community-based systems are better than an institutionalized

system in giving protection and care to children is popular today, an institutionalized system needs to be implemented together with a community-based system in view of the present condition of Myanmar.

101. While improving the conditions of protecting and caring for children by opening training schools, the Social Welfare Department is taking measures to enhance the efficiency of caregivers at training schools, provide training orientated to the labour market, give basic education and contribute to the health and happiness of children. With regard to feeding children, the income obtained from the income-generating arrangements made by training schools and interests accruing to the trust funds arranged by the Social Welfare Department, as well as the funds provided by the State, are used. Trust funds have been set up for 24 training schools under the Social Welfare Department and up to December 2000, the total trust funds amounted to over 128 million kyats. Measures have been taken to enlist the participation of well-wishers, entrepreneurs and organizations with regard to clothing, food, medicines and renovation of buildings. Interesting TV plays concerning child welfare services have been broadcast. As a result, well-wishers have come to know and take an interest in the work for the protection and care of children, and they have participated in and made contributions to the work. In upgrading four training schools in 1998/99, UNICEF renovated buildings, provided teaching aids, musical instruments and computers, and enhanced the capacity of caregivers. Total Fina-Elf Exploration and Production, Myanmar has provided assistance to seven training schools for the programmes for food, health care, education and vocational training.

102. In implementing the arrangements for protection and care of children in need of protection and care, the Government is enlisting more participation and assistance of well-wishers and internal, international and non-governmental organizations. Voluntary organizations have established 134 youth development centres and nine homes for girls who have no parents or guardian and disadvantaged children. The Social Welfare Department is providing guidance, technical assistance, rice and cash for the centres and homes. In order to take care of such children from the border areas, the Ministry for Progress of the Border Areas and National Races and Development Affairs has established 17 training schools for the development of youths from the border and remote areas. Drop-in centres have been opened in Yangon to provide food, shelter and clothing for street children and give them knowledge through cooperation between UNICEF, the Social Welfare Department, the YWCA and World Vision. The Social Welfare Department has carried out organizational work to open voluntary primary night schools for children who cannot attend formal education and has provided technical supplies and materials.

103. Altogether 345 volunteer teachers are teaching 7,317 pupils at 80 voluntary primary night schools. The Social Welfare Department has organized the opening of youth centres with the participation of the community in order to enable the youth to spend their time beneficially. Altogether, 118 youth centres have been opened and 13,600 youths are participating in the activities. At the youth centres, reading rooms, debates, indoor games, football and volleyball are arranged. The Social Welfare Department has provided sports equipment and furniture every year.

E. Adoption (art. 21)

Legal provisions

104. The provisions of Myanmar adoption laws and other conditions have already been mentioned in the previous report and in responses to questions about unclear facts.

105. Section 17 (a) of the Child Law prescribes that “every child shall have the right to be adopted in accordance with the law”. The adoption is carried out in accordance with the provisions of the Registration of Kittima Adoption Act, 1941, in Myanmar. Some facts about adoption are as follows:

- (a) The adoption is sought for the express purpose of inheritance;
- (b) If the child’s parents are living and known their consent is required;
- (c) Although the adoption does not need a ceremonial occasion, it shall be made known to the public;
- (d) The adoption means making a contract; therefore, those who are competent to contract have the right of adoption; those who have not attained the age of 18 and those of unsound mind do not have the right of adoption; in addition, monks or two persons who are not related do not have the right of adoption;
- (e) Although a person has his or her own offspring, he or she has the right of adoption;
- (f) If a child who has come of age is adopted, the consent of the child is required and he or she is to sign the contract; therefore, if adoptive parents wish to declare the contract null and void, they cannot do so without the consent of the adopted child;
- (g) Adoptive parents cannot declare the adoption null and void only of their own free will;
- (h) Parents can bring back an adopted child before the child has come of age; however, if the adopted son/daughter does not consent, they cannot cancel the adoption;
- (i) The adopted son/daughter has rights equal to those enjoyed by natural offspring;
- (j) The adopted son/daughter loses the right to inherit from their biological parents;
- (k) If a parent passes away and the remaining one remarries, the child has the right to inherit;
- (l) The adopted son/daughter has the right to inherit not only from the adoptive parents but also from the relations of his or her adoptive parents;

(m) The contract of adoption needs two witnesses; if a child who has come of age is to be adopted, he or she is to sign the contract in order to give his or her consent. The contract is to be registered after the adoptive parents and the parents or guardians who have the right to offer the child for adoption have signed it.

106. The Social Welfare Department scrutinizes applications for adoption of orphans who are under the protection and care of residential nurseries, and gives permission to those who qualify with the aim of enabling the orphans to have a family life and promoting their interests. Therefore, the Social Welfare Department gives permission to adopt the child to those who, as guardians, can abide by the following conditions as well as the Child Law and the Registration of Kittima Adoption Act:

(a) Adoptive parents shall adopt the child as their heir in accordance with the Registration of Kittima Adoption Act;

(b) Adoptive parents shall be held responsible for all the good and bad actions of the adopted child;

(c) Adoptive parents shall bear the expense in executing an instrument for adopting the child as their heir;

(d) A formal report on what name is given to the child shall be sent; if the child is renamed, a formal report shall also be sent;

(e) Adoptive parents shall inform the Social Welfare Department in person or by letter once a year about the health and education progress of the child until the child has attained the age of 18;

(f) Adoptive parents are not allowed to give, hire or sell the child to another person, nor are they allowed to have the child adopted by another person;

(g) Adoptive parents shall inform the Social Welfare Department, the state/division Social Welfare Departments concerned and the residential nurseries as soon as possible of the name of the person the adopted son/daughter marries and the date of the marriage-related documents and of the death of the adopted son/daughter with a death certificate if he or she passes away;

(h) Until the child has attained the age of 18, he or she shall not be sent abroad on a temporary basis or on a permanent basis without prior permission of the Social Welfare Department;

(i) If the Social Welfare Department or residential nursery learns with firm evidence that adoptive parents fail in their parental duties and do not care for the child properly, action shall be taken against the adoptive parents and the child shall be taken care of by the Social Welfare Department again;

(j) If the address mentioned in the application is changed, the Social Welfare Department or residential nursery shall be informed of a forwarding address.

Implementation

107. Myanmar customary law prescribes that since ancient times in Myanmar, there has been the right to adopt orphans and poor and disadvantaged children if the parents or guardians give their consent. According to Myanmar customary law, the adopted child is regarded as an heir. As there arose disputes about the rights of any person to inherit as or through an adopted child, the Registration of Kittima Adoption Act was enacted in 1939. According to this Act, the fact of the adoption, if it was effected after 1 April 1941, is evidenced by an instrument executed by the person making the adoption and registered. As adoption means making a contract, according to section 11 of the Contract Act, only a person who has attained the age of 18 and is competent to contract can adopt.

108. In addition to the Child Law and the Registration of Kittima Adoption Act, parents or guardians or those who have the right to give permission to offer a child for adoption include in the contract conditions necessary for the benefit of the child. The adoption is also carried out as follows:

(a) Letting orphans under 5 being cared for at residential nurseries under the Social Welfare Department be adopted by making a deed of inheritance, with the permission of the Director General of the Social Welfare Department;

(b) Letting newborn orphan babies at the Central Women's Hospital, the Children's Hospital and other hospitals be adopted with the permission of responsible persons after conducting an inquiry;

(c) Letting destitute children in the community be adopted with the permission of the competent authority in the respective region.

109. The number of the children ranging from newborn babies to 5 years old, who were cared for at residential nurseries and were permitted to be adopted by the Social Welfare Department are as follows:

Year	Number of adopted children		
	Male	Female	Total
1991/92	3	8	11
1992/93	4	13	17
1993/94	2	7	9
1994/95	4	16	20
1995/96	6	2	8
1996/97	1	2	3
1997/98	4	8	12
1998/99	4	1	5
1999/2000	3	6	9
Total	31	63	94

110. Probation officers trained by the Social Welfare Department have to take follow-up measures to care for the children given for adoption in the respective regions. According to the tradition of the Myanmar people, adoptive parents never say anything about adoption as they are worried about the fact that the adopted child might feel inferior and their affection for them might diminish. They are also anxious about the fact that other people might know the matter. Therefore, probation officers have to take great care in their follow-up measures.

F. Illegal transfer and non-return (art. 11)

Legal provisions

111. The Penal Code strictly prohibits any person from taking children abroad and selling them to others.

Implementation

112. In order to implement the task, preventive measures are being taken together with the assistance provided legally. To be able to carry out effective preventive measures, the Myanmar Police Force has introduced the community policing system to secure public participation in the respective townships, wards and villages. At the same time, police outposts are being established in the localities to prevent crimes. Moreover, the Myanmar Police Force has designated specific cases that endanger public life and security and taken special preventive measures. Similar measures are taken in all seriousness to prevent the cases of human trafficking out of the country after designating them as major crimes. In Myanmar, where the majority are Buddhists, the parents themselves or others, in accordance with the customs and traditions or due to the family patterns, guard against human trafficking out of the country or holding persons without their consent. This effort has been possible due to the parental care traditionally provided for children under all circumstances. Moreover, the Ministry of Religious Affairs and religious associations conduct Buddhist culture courses in the respective townships to raise awareness on Buddhist culture, including to promote mutual respect and love between the parents and their children. Other religious associations also organize similar training programmes and take measures of their own. In providing legal protection, severe punishments are being meted out to those who have committed human trafficking. Those who trafficked human beings out of the country or those who stole children from their guardians shall be sentenced to imprisonment for seven years together with fines; the child in the case is to be returned to the parents or the guardians or those who have the legal right to take care of him or her.

G. Protection against ill-treatment, cruelty and negligence (art. 19)

113. Matters relating to protecting children against ill-treatment and cruelty and negligence have been described in detail in the initial report and in the related chapters.

H. Regular review of measures taken in connection with children who live apart from their families

Legal provisions

114. Whoever is of the opinion that any child mentioned in section 32 of the Child Law should be protected and cared for by the State under section 33 (a) may inform the relevant social welfare officer, stating the facts of the case. According to section 33 (b), the social welfare officer shall, on receipt of the information under subsection (a), or if he has personally received information in any manner, investigate in the manner prescribed to determine whether the child needs the protection and care of the State and submit his findings, together with his opinion, to the Director General. The Director General then makes arrangements and takes measures in accordance with section 34 (a), (b), (c), (d) and (e).

115. Under section 37 (f) of the Child Law, “a police officer or a person authorized to take cognizance shall send the arrested child to the relevant juvenile court as soon as possible. The juvenile court, in accordance with section 42 (e), shall dispose of the case speedily”.

116. The Minister for Social Welfare, Relief and Resettlement, under section 59 (a) of the Child Law, may at any time issue an order to release, either absolutely or subject to conditions, a child committed to the custody of a training school or a custodian under this law. Under section 59 (b) of the Child Law, the Minister may issue an order to transfer a child undergoing imprisonment to a training school or to a custodian till the day the child attains the age of 18 years, if it is considered beneficial for the child.

Implementation

117. During the time investigations are carried out to find out whether a child needs the protection and care of the State under section 33 (c) (ii) of the Child Law, measures are taken to entrust the child to the parents or guardians on execution of a bond or to send the child to a temporary care facility. In order to complete the investigation as soon as possible, the Social Welfare Department directs the probation officer of the respective social welfare office to manage and take the necessary measures. The Director General, in accordance with the report presented by the social welfare officer, sends a child whose character needs to be reformed to any training school till he attains the age of 18 years as a maximum period, and in case of a child in need of custody and care, the child is entrusted to a home or to a custodian till he attains the age of 18 years as a maximum period. During the period 1994-2000, a total of 4,207 children were investigated to find out whether they needed the protection and care of the State. The probation officers made investigations and submitted reports to the Director General. The Director General scrutinized the reports and entrusted 1,060 children back to their parents, while 3,147 children were sent to training schools and given training.

118. Children who are accused of committing an offence are sent to a temporary care facility and taken care of under section 37 of the Child Law. During the period 1994-1999, a total of 315 children were taken care of by temporary care facilities under this section. In regions that are far from the temporary care facilities, they were placed under the temporary care of families of government service personnel. The Social Welfare Department coordinated with the respective courts for issuing judgements speedily in connection with the cases.

119. The juvenile courts hear the cases of accused children in accordance with the rules and procedures for investigating juvenile cases. The court makes the probation officers submit a report on the character and condition of the child, the condition of the environment the child lives in and the real cause of committing the offence. It then takes into consideration all the points contained in the report and pronounces the sentence that would be of greatest benefit to the child. Children who can easily be reformed are entrusted to the care of parents or the guardian, after executing a bond, whereas children who need to be trained are sent to youth training schools and trained for a fixed period of time. In order to be able to supervise the children in wards/villages and to submit reports, the Social Welfare Department has appointed child probation officers at state/division social welfare offices. Moreover, training is being given to voluntary social workers who are assigned duties as voluntary probation officers. During the period 1994-1999, courses for voluntary probation officers were conducted nine times and a total of 187 voluntary probation officers were trained and appointed.

120. Out of the children who need protection and care of the State, children who at present live apart from their families are looked after at training schools and homes opened by governmental organizations and voluntary social organizations (this has been mentioned in detail in paragraphs 99, 100, 101 and 102); 143 youth development centres (for boys and girls) are recognized and assisted by the Social Welfare Department.

121. Out of the children who are cared for and given training at training schools, children who have undergone training for one year and are found trustworthy are entrusted to the care of parents or guardians, with or without executing a bond.

122. Although children have completed the period of care, if the address of the parents is uncertain or if those who are to take over the responsibility of looking after their children are uncertain whether they will be able to do so, there can be delay in reunification. In order to be able to overcome this situation, interviews are held several times within three months to confirm as close as possible the address and biography of the particular child. The facts thus gathered are sent to the respective social welfare offices and the probation officers have to make field inspection tours and investigate.

123. Regarding children who have completed the period of care, the heads of the training schools have held discussions with the child to determine if he wants to go back to his home. Moreover, coordination is also carried out in order to know exactly the addresses of the child's parents and relatives and whether conditions allow them to be accepted back and looked after. The probation officers have been assigned special duties to make field trips to the areas where the parents live to make enquiries and to hand over the child to the care of the parents right at the doorstep, under the CRC in Action for Institutionalized Children (CAIC) project implemented with the collaboration of UNICEF. This project has sent back 318 children to their respective parents in 1999 and 2000.

124. Well-wishers and members of organizations visit and study the training schools that look after the children, play with the children, do paintings, sing and dance with them and provide necessary assistance to the children. A team of officials headed by the Assistance Director and

senior officers of the Social Welfare Department inspects the training schools and temporary care facilities in Yangon and its vicinity four to seven times a year according to a schedule. Moreover, these officials also make surprise checks on the schools. The heads of state/division social welfare offices also inspect the training schools in states and divisions. In carrying out such inspections, they supervise and give priority to the food being given to the children, their health, living conditions, education, sports and games, entertainments and opportunities for social contacts with the surroundings, the all-round development of children including physical, mental and moral development, as well as the relations between service personnel and children and the conditions of care of the children.

125. After studying the relevant case, the Minister in accordance with the power entrusted to him under section 59 (b) of the Child Law, issued orders to transfer nine children undergoing imprisonment to training schools, during the period from 1994 to 2000.

VII. BASIC HEALTH AND SOCIAL AFFAIRS (art. 24)

A. Survival and development (art. 6)

Legal provisions

126. Facts in connection with the provisions of law have already been mentioned in the previous report.

Implementation

127. As Myanmar is a country which has recognized the Declaration and Plan of Action of the World Summit for Children, it is implementing the tasks accordingly. It is also making efforts to realize as far as possible the children's health objectives as prescribed in the Declaration and Plan of Action.

B. Health objectives of women and children (art. 24)

Legal provisions

128. Facts in connection with the provisions of law have already been mentioned in the previous report.

Implementation

129. In the years following 1990, the National Programme of Action (NPA) and the National Health Plans were drawn up and implemented in connection with the survival, protection and development of children in Myanmar and measures were taken to see to the health and nutrition of children. The National Committee on the Rights of the Child also formed the various committees on children's rights and they are implementing the tasks. The Ministry of Health, in implementing the objectives on children's rights, is playing a major role in giving priority to the health and nutrition sectors.

130. Because of these plans, the situation regarding the survival and development of children in Myanmar is good and improving, especially so as priority is being given to basic health-care activities to reach the national races living in remote and far-flung areas of the country. In these areas, more health-care centres have been opened and extended and the required health service personnel have been appointed. Hence, all the children throughout Myanmar, irrespective of race and religion and whether they are poor or rich, now have the right to receive basic health care.

131. Significant results for children in Myanmar were achieved by the National Programme of Action (NPA) and National Health Plan.

132. In implementing the objectives on survival and development of children in Myanmar, not only did the Government provide encouragement and assistance, but the opportunity to cooperate and implement the tasks with United Nations organizations, private organizations and non-governmental organizations also increased. As the prospects for the survival and development of children increase, so do the challenges to be tackled at present and in the future.

133. The Health Subcommittee has been formed under the Working Committee for the Development of Border Areas and National Races, especially to improve the health conditions of national races in border areas and to extend and open basic health buildings, hospitals, dispensaries and health centres, and, since 1989, to provide training for members of the regional national races to become health service personnel. A total of 56 hospitals, 128 dispensaries, 19 health offices and 38 branch health offices were opened during the period from 1993 to 1998.

134. Myanmar has been making utmost efforts to improve and develop the health sector with its own resources within the country, and also after seeking help from local and foreign organizations. In doing so, basic health-care activities for children throughout the country, including the remote areas, were stepped up and it can be seen that implementation in the child health-care sector has achieved significant progress. The mortality rates of infants and children under 5 are dropping and the objectives on child health care are being implemented successfully. The infant mortality rate dropped to 59.77 deaths for every 1,000 live births in 1999. During the same period, the mortality rate of children under 5 dropped to 77.7 for every 1,000 live births.

1. Maternal and child health

135. In the previous decades, maternal and child health has been mainly concerned with only mothers and children, as the name indicates. However, this concept has changed and it is now accepted that to reduce mortality among mothers and children, a holistic lifecycle approach to health care for women is necessary. This will achieve the aim of reducing maternal, infant and under-5 mortality, unwanted pregnancy and abortion.

136. Based on the above-mentioned concepts of mother and child development, reproductive health-care programmes, including birth spacing programmes, have been implemented as described below.

137. The objectives of maternal and child health and birth spacing programmes are as follows:

- (a) General objectives:
 - (i) To reduce the maternal and child morbidity rate;
 - (ii) To increase coverage of maternal and child health-care services;
 - (iii) To increase the quality of maternal and child health care;
 - (iv) To reduce the abortion rate by proper utilization of birth spacing techniques;
 - (v) To widely disseminate reproductive health education among adolescents;
- (b) Specific objectives:
 - (i) To halve the maternal mortality rate from 1 to .5 per 1,000 live births;
 - (ii) To reduce the infant mortality rate to less than 40 per 1,000 live births;
 - (iii) To provide refresher courses on reproductive health for health personnel;
 - (iv) To expand birth spacing programmes;
 - (v) To hold workshops and conduct research on reproductive health.

138. To meet the above objectives, the maternal and child health personnel, along with personnel from related departments and NGOs, are cooperating and collaborating: to reduce the morbidity and mortality rates of mother and child, antenatal care has been intensified, giving high-priority care to high-risk pregnancies, including safe delivery and post-natal care; to upgrade the quality of maternal and childcare, training classes have been conducted; to reduce the abortion rate, birth spacing programmes have been systematically implemented; to disseminate reproductive health information workshops and research have been conducted.

139. Maternal health has been incorporated into the ongoing programme "Integrated Management of Childhood Diseases" which is jointly sponsored by the Department of Health, the World Health Organization and UNICEF, and thus is now renamed the

“Integrated Management of Maternal and Childhood Illnesses Programme”. This programme, and raising of the quality of basic health-care programmes, will be able to reduce the maternal and infant mortality.

140. The Family Planning International Alliance (FPIA) has developed manuals, brochures, posters and hand-outs which have been disseminated at their project townships and similar activities have been carried out by the United Nations in the United Nations Population Fund and United Nations Development Programme in their project townships. Apart from these organizations ministry and voluntary workers are also active regarding this issue. Although more than 80 per cent of the target has been reached in the project townships, there is still a need to increase the proper utilization of birth spacing techniques and thus targets have been increased and measures are taken to meet the target.

141. The “Myanmar - 02” project is implementing activities in Chin State and Shan State since the FPIA programme stopped in January 1998, because it was in far-flung border areas, with which communication was very difficult during some parts of the year because of the weather. However, UNFPA will conduct the activity in Naungcho and Kyaukme in Shan State from 1998. It is necessary to draw up a separate programme for Haka and Falam in Chin State. It will be more beneficial if specific programmes are drawn up for specific localities.

2. Positive outcome of the activities

142. By improving the health care of mothers and children, the improvement of the child’s health is evident. There is a decrease in maternal, infant and under-5 mortality and the objectives laid down for children’s health status have been successfully achieved.

143. According to the Maternal Mortality Survey carried out with UNFA, in 1994, maternal mortality was approximately 232 per 100,000 live births. Health-care services for pregnant women have been implemented by the Government.

Coverage of health care for pregnant women

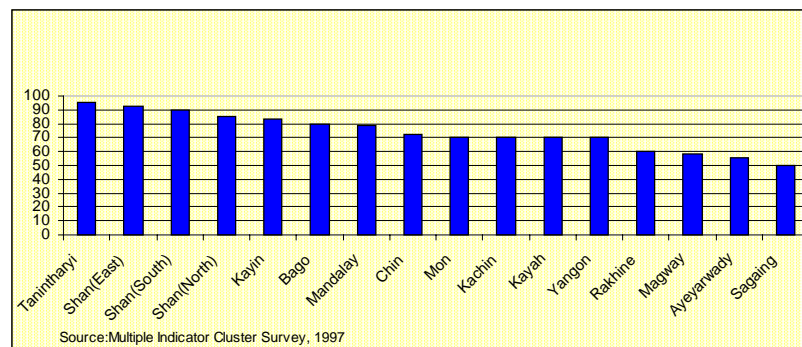
	1991	1997
Percentage of pregnant women receiving health care	61.0	76.2

Source: Fertility and Reproductive Health Survey (FRHS), 1997.

144. Because of the effective strategies laid down to improve health education, the percentage of children under 5 with diarrhoea who took more or the same amount of fluids and continued, increased to 71 per cent in 2000. The malaria morbidity and mortality rates have also decreased as a result of prompt treatment, prevention and education.

Figure 1

Percentage of children with diarrhoea receiving oral rehydration therapy



145. The goal of maintaining full immunization coverage for all infants and all pregnant women against tetanus has been successfully achieved since 1990 and has carried on with accelerated momentum up to the present day. Special arrangements have been made so as to have the women and children in the border areas enjoy the same privilege with the aim of eradicating polio. A “National Immunization Day” has been designated and the activity is carried out throughout the whole country as a national cause. The following data show the present successful coverage of the “National Immunization Day” activity which has been implemented since 1996.

Coverage of oral polio vaccine during the National Immunization Days

Dates	First	Second	Third	Fourth
	10.2.1996-10.3.1996	15.12.1996-18.1.1997	14.12.1997-18.1.1998	12.12.1998-17.1.1999
Number of under-5 vaccinated	5 529 343	5 586 609	5 698 341	5 793 163
Number of immunization teams	33 000	35 000	37 000	37 000
Number of immunization team members	150 000	170 000	180 000	180 000
Coverage (first dose)	95%	99%	96%	97%
Coverage (second dose)	96%	99%	97%	97%

146. At the same time as the immunizations, child polio surveillance tasks have been conducted. In the border areas polio control and surveillance tasks were jointly conducted between Yunnan Province, China, and Shan State, Myanmar, in 1997.

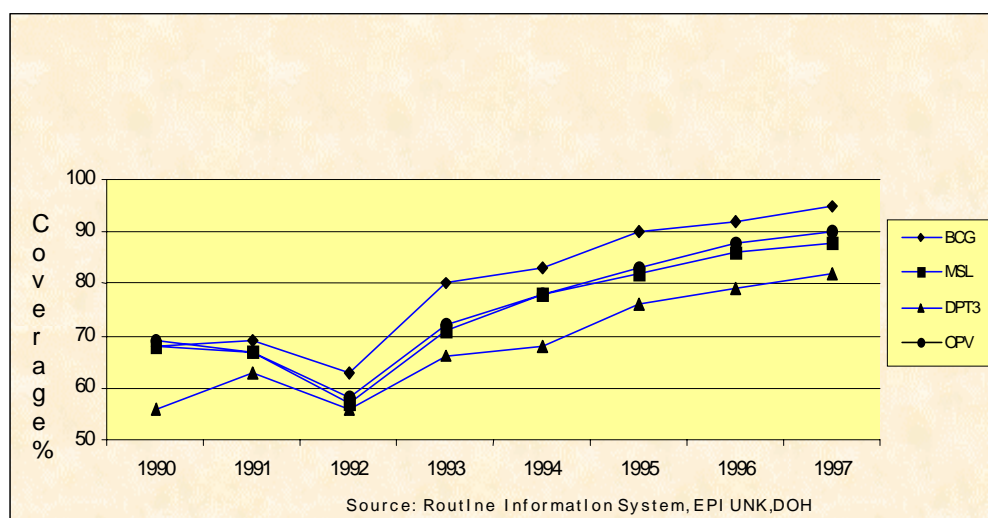
147. Due to the vaccination and control programmes, polio morbidity and the polio-related mortality rate have decreased proportionately.

148. In 1987 there were 51 polio cases and one death. In 1995, 18 cases were clinically classified as polio, but there were no polio-related deaths. In 1996, only 9 cases were clinically classified as polio. In 1997, 56 of 172 suspected cases were clinically classified as polio; in 1998, the respective figures were 38 and 171.

149. As polio vaccines were stored with the help of solar-powered freezers in remote areas, polio vaccination coverage increased from 307 townships to 324 townships during the period from 1995 to 1997. It can be said that the polio vaccination project, which was initiated in 210 townships in 1990, was a success. The BCG, diphtheria, whooping cough, tetanus and polio vaccination coverage increased to over 90 per cent, and measles and pregnancy tetanus vaccination coverage increased to 84 per cent and 83 per cent respectively (fig. 2). Due to the precautionary measures, morbidity rates among children have decreased significantly.

Figure 2

**Infants and pregnant women vaccinated
in Myanmar from 1990 to 1997**



150. Concerning the reduction in post-natal maternal death, care of pregnant women has been increased from 61 per cent to 76 per cent, childbirth with trained birth attendants has increased from 46 per cent to 56 per cent and birth spacing knowledge among women between the ages of 15 and 49 increased from 84 per cent to 93 per cent due to improved maternal care and birth spacing services (FRHS).

3. Women's health

151. Steps were taken to promote women's health through seminars and workshops to orient policy makers towards women's needs and highlight the absolute importance of safe childbirth. These events significantly contributed to building professional and political commitment, to improving women's health and to defining the Essential Steps for Safe Delivery (ESSD).

152. An advisory committee comprising the Myanmar National Working Committee for Women's Affairs and four working groups were formed to promote women's health and to develop the necessary policy guidelines and training materials. Four hospitals have been selected to initiate a trial implementation of ESSD in 1998. Local training and retraining have taken place for midwives, auxiliary midwives and traditional birth attendants. One thousand five hundred auxiliary midwives and 1,000 birth attendants who completed these training courses were duly equipped for serving communities in the remote areas.

4. Nutrition

153. According to the National Nutrition Survey, the goitre prevalence among schoolchildren is shown in the following table:

Prevalence of visible goitre among children (6-11 years)

Year	Prevalence (%)
1994	33.8
1997	25.1
1999	12.0
2000	12.16

154. The goal of universal salt iodination was placed firmly on the national agenda through a combination of high-level advocacy, mobilization of key actors in the policy-making, production and distribution process, and provision of technical assistance. The National Health Committee passed a resolution to implement universal salt iodination in 1997. A national workshop on control of iodine deficiency disease (IDD) was held in September 1997. Recommendations and a plan of action to accelerate the production of iodinated salt were made at the workshop.

155. Production of iodinated salt has quadrupled from 25,722 tons in 1995/96 to 111, 893 tons in 1997/98, to achieve the target of 230,000 tons by the year 2000.

Consumption of iodinated salt

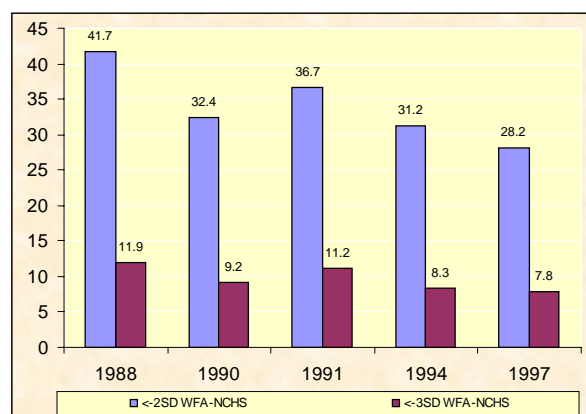
Year	Percentage of use
1995	18.03
1996	37.66
1997	49.82
1998	59.75
1999	79.79

Source: National Nutrition Centre, Department of Health.

156. Semi-annual vitamin A distribution to children between the ages of 6 months and 5 years has reached all of the target population in 324 townships. The data from two Multiple Indicator Cluster Surveys (MICS) also show a significant increase in the number of children under 5 receiving vitamin A from 6 per cent in 1995 to 69 per cent in 2000.

157. Survey findings from National Nutrition Centre show that there is a reduction in percentage of severe malnutrition of children under 3 years old:

Nutritional status of children under 3



158. To achieve the goal of 5 per cent severe protein energy nutrition, interventions including promotion of breastfeeding and timely complementary feeding need to be sustained and improved so as to become a true early childhood home care and development process.

5. School health

159. A school health programme has been implemented with the objective of promoting the level of health among schoolchildren. Many significant achievements were seen with WHO collaboration in the programme on school health. School health programme activities were strengthened in September 1998 under the guidance of the National Health Committee. Advocacy meetings on health promotion in schools were carried out in all states and divisions in 1996. In 1997, a coordination meeting between the education and health sectors was undertaken to disseminate the concept of the health-promoting school phase I of the health-promoting school programme was introduced in 90 townships in 1998 and will be progressively increased up to 180 townships in 1999/2000 in phases II and III. Concerning the establishment of health-promoting schools, a school health research programme has been set up in order to obtain effective management, implementation and assessment in this area.

160. The Ministry of Health is committed to promoting and maintaining the health status of schoolchildren through school health service, with the support and participation of the education sector and other sectors, international and local NGOs and the community as a whole. School health has been already integrated into primary health care and other health development programmes since the first People's Health Plan (1978-1979). The following table shows the annual coverage:

Annual coverage of school health activities

	Estimate	1995	1996	1997	1998	1999	2000
Percentage of schools coverage	100	68.5	74.00	71.59	63.03	77.36	82.5
Percentage of school children covered	50	57.9	50.1	53.5	52.80	61.17	66.2

Source: Community Health Care Evaluation, DOH, 2000.

6. Water supply and sanitation

161. In order to increase access to safe drinking water and sanitary excreta disposal systems and to raise personal hygiene practices among the population, the process of social mobilization has been adopted to bring together multisectoral departments and organizations. According to MICS 2000, the percentage of the population using a safe water supply is 71 per cent. The following table shows the construction of sanitary latrines implemented under environmental cleaning programmes:

Construction of sanitary latrines implemented according to the annual environmental cleaning programme

Year	No. of sanitary latrines constructed		Coverage (%)		Number of states/divisions covered
	new	new + old	urban	rural	
First time (February 1998)	932 415	3 869 374	72.00	52.8	57.53
Second time (April 1999)	735 558	4 915 691	79.14	70.48	72.64

162. In order to operationalize the agenda for children beyond the year 2000, necessary policy reforms to create an enabling environment will be introduced and a dynamic partnership will be established between the State, civil society and the private sector in the best interest of the child.

7. HIV/AIDS prevention and care for the children in Myanmar

163. The first HIV-positive patient was detected in 1988 and the first AIDS case was reported in 1991. HIV monitoring was carried out and the findings revealed that AIDS has the highest prevalence among commercial sex workers.

164. In line with the goals of the National Health Plan, programmes to eliminate AIDS and sexually transmitted diseases (STDs) have been carried out rapidly and in implementing

programmes to reach their goals, measures to prevent mother-to-child transmission are a major task. The fight against AIDS has been given top priority by the Government of Myanmar in cooperation with NGOs, international NGOs and United Nations agencies and the importance of dealing with the problem using a multisectoral approach has also been recognized.

Prevention and care activities of the national AIDS/STDs programme

165. Health personnel, voluntary social workers and certified auxiliary midwives are implementing activities for safe childbirth. Special educational talks for high-risk groups are being given to prevent mother-to-child transmission of STDs.

Prevention of perinatal transmission

166. Infected women are given advice on sterilization at their request. Counselling and guidance services are offered to women who are not pregnant on family planning and whether they should conceive or not.

167. Another measure that has been taken to prevent perinatal transmission is to give drugs to pregnant mothers in high-risk areas, with the collaboration of United Nations agencies and in cooperation with civil society.

Cooperation with social societies

168. Reproductive health information and educational talks for young people are given not only by the Department of Health but also by NGOs such as the Myanmar Red Cross Society (MRCSS), the Myanmar Maternal and Child Welfare Association (MMCWA), etc. Those programmes were carried out in 96 townships up to 1998. The MMCWA has established 59 maternity hospitals for safe childbirth.

HIV/AIDS curriculum for schoolchildren

169. In cooperation with the Ministry of Health and UNICEF, the MOE has developed a school curriculum entitled "School-based healthy living and HIV/AIDS prevention education project (SHAPE)" which was introduced in basic education schools in the 1998/99 academic year. It has now been implemented in primary, middle and high schools in 60 project townships. AIDS prevention education measures for youth have also been implemented by school health teams, maternal and childcare centres and township and village health monitoring centres which are under the control of the Health Department.

170. The infection is highest among injecting drug users (IDU), patients with STDs and commercial sex workers.

171. The following strategies have been drawn up and implemented:

- (a) Health education talks:
 - (i) Health education talks within the community;
 - (ii) Health education talks in schools;

- (iii) Creating billboards;
- (iv) Brochures;
- (v) Individual treatment;
- (b) Promotion of safe blood transfusions:
 - (i) Blood tests;
 - (ii) Selection of donors;
- (c) Reduction of transmission through skin-piercing instruments:
 - (i) Methods that prohibit the spread of infection;
 - (ii) Education on systematic sterilization methods;
- (d) Continuous investigations;
- (e) Medical care and counselling.

172. Training programmes on AIDS/STDs education and control measures are given to health personnel, private practitioners, health workers, volunteers from NGOs and communities.

173. Enhancing educational talk programmes on AIDS in schools in states/divisions, group education programmes and medical treatment for HIV-infected children have also been implemented.

174. A total of 23,000 boys and 25,000 girls were given training on prevention of AIDS by MMCWA and MRCS between 1996 and 1997.

8. Programmes implemented by the Myanmar Maternal and Child Welfare Association (MMCWA)

175. MMCWA was established on 30 April 1991 pursuant to the Maternal and Child Welfare Association Law (Law No. 21/ 90) which was promulgated in 1990 to implement effectively the rights of the child.

176. Birth spacing programmes covering 72 townships were initiated in 1996 and is an ongoing project. MMCWA provided a manual on birth spacing. The manual was developed and disseminated and training provided to all states and divisions and as a result there has been a reduction in the infant and maternal mortality rates.

177. Manuals have been developed for exclusive breastfeeding. In some townships, breastfeeding-facilitation groups with MMCWA members as group leaders and midwives as instructors have been formed and have implemented breastfeeding programmes in wards and village-tracts. The first week of August has been designated as "Breastfeeding Week" and is celebrated by MMCWAs in all townships. Safe motherhood and reproductive health services

provided at maternity homes include prenatal care, safe delivery by trained attendants and post-natal care, including birth spacing services and infant and child immunization. In Myanmar, 93 per cent of women in both rural and urban areas breastfeed.

178. The following activities are implemented for the survival of the child:

- (a) Health education talks are given as part of the social mobilization to eradicate polio;
- (b) Up to 90 per cent of children have been immunized against six diseases with the collaboration of the Department of Health;
- (c) To lessen the malnutrition rate of children under 5, MMCWAs have carried out a supplementary lunch programme for 210,000 malnourished children in 221 townships;
- (d) Education is provided at MMCWAs and maternity homes in order to reduce the infant and maternal mortality rates and promote birth spacing services;
- (e) Maternity homes have been established for prenatal, intranatal and post-natal care as well as referrals of obstetrical complications in pregnancy and labour;
- (f) Breastfeeding is promoted and supported in maternity homes and the community;
- (g) Regarding HIV/AIDS eradication, necessary measures are being implemented under the appropriate project. The first project is "Facts of life for women", which is assisted by UNICEF. This project has been implemented in 27 townships from 1994 to 1996 and in 69 townships from 1998 to 2000. The second project was carried out in Dala township, Yangon division, from 1995 to 1996 with the assistance of UNDP. The third project was carried out in 11 townships from 1997 to 1998 in cooperation with Médecins du Monde and Care Myanmar.

179. The activities for protected children are as follows:

- (a) Preventing diseases and unwanted pregnancies (for example, giving injections for birth spacing in order to prevent illegal abortion);
- (b) Giving health education talks on unsafe sex, the dangers of abortion, diseases arising out of sex, facts about HIV/AIDS, safe sex and birth spacing so that girls and young women can become responsible persons;
- (c) Protecting against improper and undesired births by juveniles, educating parents in preventing juvenile births and helping parents to earn more income in order to be able to prevent juvenile births;

(d) Protecting against drug addiction and educating parents and children on the dangers of narcotic drugs and drug trafficking; and

(e) Giving training courses on personal hygiene at home in 16 townships, under a UNDP programme, and conducting training courses for parents on the facts for life in order to protect children from malnutrition and diseases by making children learn about drinking clean water and eating clean food, with UNICEF.

180. The measures taken for progress and development are as follows:

(a) About 684 day-care centres and pre-primary schools for children under 5 years of age have been opened under the aegis of the MMCWA and about 27,128 children are being nurtured;

(b) The nutrition development centres are giving health education and providing afternoon dietary supplements;

(c) Students who cannot afford to attend school are given assistance in cash and kind; such assistance is being given to more than 75,000 students in 192 townships;

(d) Vocational training is being given to girls of poor families to increase the family income. More than 22,000 girls in 250 townships have learned vocational skills. Moreover, money was given on loan to more than 12,000 women in 165 townships, under the small loans system, to those who could not afford to make investments and the total amount of the loans extended was about 19 million kyats. In doing so the children could attend school and thus enhance their physical, mental, moral and social development and attain a basic social standard;

(e) For illiterate children and women of poor families who did not get any opportunity to pursue education, basic literacy-numeracy classes were opened in 95 townships and more than 22,000 persons have become literate.

181. The tasks of enhancing cooperation are as follows:

(a) Giving health education based on the good effects of sports and physical education activities and holding sports competitions on significant days during the year by the MMCWA;

(b) Carrying out activities in connection with literature, the performing arts and culture and competitions in essay and poem writing, debates, painting and poster competitions, songs and dances held on days of significance.

182. Similarly, the Myanmar Medical Association, which is a non-governmental organization, publishes books on health for the entire population, including children and mothers, and holds

seminars and workshops to educate the people about health, among other things. Moreover, with the aim of bringing down the mortality rate among children, it carries out child immunization and takes preventive measures against acute respiratory infections, diarrhoeal diseases and bowel disorders. In addition, the Association also sends medical teams to villages in rural areas to give medical care and treatment to people.

C. Disabled children (art. 23)

Legal provisions

183. Facts relating to the provisions of the law have been mentioned in the previous report.

Implementation

184. In accordance with the Convention on the Rights of the Child, in Myanmar, health-care activities are being carried out by giving priority to disabled children. These activities include child immunization, acute respiratory infection (ARI) projects, malnutrition, IMMCI and goitre prevention projects and school health activities.

185. Moreover, the Ministry of Health is assisting in the work of looking after disabled children who are under the care and responsibility of the Social Welfare Department. The Hospital for the Disabled in Yangon and other main hospitals in the states and divisions provide necessary treatment for the rehabilitation of disabled children and also supply artificial limbs to children who require them. All the above treatments are given free to poor children who cannot afford them.

186. In Myanmar, community-based rehabilitation work started in 1982 and is being carried out up to the present. Myanmar is one of the 55 developing countries implementing this project. According to the community-based rehabilitation project, rehabilitation programmes for all disabled persons, including children, are carried out, including home-based rehabilitation, protecting them against becoming disabled again, compilation of manuals for training courses, making arrangements for disabled children to pursue education at ordinary schools and giving treatment by sending instructions.

187. Moreover, 37.7 per cent of the 844 disabled persons in the three townships in one state and one division, taking part in the above-mentioned projects, are children.

188. For enabling 63 disabled children to pursue education at ordinary schools, coordination was carried out with the respective personnel of the Basic Education Department and monetary assistance is being provided by World Vision International, Myanmar.

189. According to the prevailing situation, although there is still an insufficient number of well-trained persons for the rehabilitation of disabled children in Myanmar, efforts are being

made to provide training within the country and abroad with available funds and the assistance of international organizations. This will allow the project to be implemented on a wider scale throughout the country.

D. Strategies for implementing objectives relating to children after the year 2000

190. The strategies for implementing objectives relating to children after the year 2000 are the follow-up strategies which have been amended and laid down according to the prevailing situations in the State and new opportunities for children. The ordinary strategies are holding work coordination meetings; stepping up departmental work and increasing manpower; working together after obtaining assistance from related departments and organizations; making family members and the entire public take part in the activities; seeking ways and means of making tasks new and long-lasting; reducing the gap between rural and urban areas; improving communication facilities and participating in global programmes.

191. In order to reduce the differences in medical care for children and to improve and develop children's health, the existing strategies are to be continued, but at the same time it is necessary to bring out and make use of new strategies in accordance with changes in conditions and new opportunities. The strategies to be employed are advocacy; broadening partnerships with organizations; capacity-building; strengthening health service delivery; communication and social mobilization; community and family focus; multisectoral coordination; development and introduction of innovative and sustainable approaches; and a special focus on border areas and underserved areas.

192. In addition to the above-mentioned strategies, it is also necessary to take measures to obtain assistance from local and foreign donors to meet the expenses in implementing the health plans in Myanmar. Appropriate policies for children should be laid down and implemented in cooperation with the public and private sectors, United Nations agencies and international non-governmental organizations.

193. Strategies such as supplying sufficient quantities of emergency instruments for obstetrical cases, sending effective instructions and providing supervision by trained midwives are being used to reduce the child and maternal mortality rates. With regard to nutrition promotion work, in addition to the application of the existing strategies, coordination meetings on breastfeeding are being held and new approaches on prevention and treatment of protein deficiency are being taken. Moreover, research on mothers' nourishment and the health of disabled children and ways to discover new methods in this regard will be taken.

194. As the Department of Health implements the tasks of providing for medical treatment and rehabilitation, the Social Welfare Department implements the tasks of social rehabilitation. The Department has opened a school for the blind, a school for deaf children, a vocational training school for disabled people and a training school for disabled children. In those training schools,

the disabled trainees are being taught school lessons and vocational skills. Moreover, non-governmental organizations in Myanmar have established schools for the blind and schools for deaf children in order to nurture the disabled children.

195. The number of disabled children pursuing education at various schools is as follows:

**Disabled children under the care of governmental (GO)
and non-governmental (NGO) organizations**

Schools	Number of children							Remarks
	1994		1995	1996	1997	1999	2000	
Vocational Training School for Adult Disabled, Yangon	67	43	61	34	31	55	49	GO
School for Disabled Children, Yangon	46	41	36	40	49	59	72	GO
School for the Deaf, Mandalay	48	64	75	77	87	106	161	GO
School for the Blind, Kyimyindine, Yangon	52	63	68	71	74	80	87	GO
School for the Blind, Khaweichan, Yangon	117	115	131	142	146	146	185	NGO
Mary Chapman's School for the Deaf, Yangon	176	280	274	289	278	307	329	NGO
Total	506	606	645	653	665	753	883	

**VIII. EDUCATION, LEISURE, RECREATION AND
CULTURAL ACTIVITIES (arts. 28, 29 and 31)**

Legal provisions

196. Facts relating to the provisions of the law have been mentioned in the previous report.

Implementation

197. Myanmar has been implementing educational activities to meet the objective of all primary children's completing primary education. The Government has set 11 priority areas in the field of education for the second short-term five-year plan (1996/97 to 2000/01) to achieve the National Social Objectives. Out of these 11 priority areas, 7 are concerned with universalization of access to basic education for all school-age children. Thus, Myanmar is taking all possible measures to ensure that all children have the right to education. In the National Programme of Action of the Union of Myanmar for the survival, protection and

development of children, it is stated that “by the year 2000, all school-age children, from the age of 5 to 14 years, shall have the right to education and out of these children there shall be an 80 per cent completion rate of primary education”.

198. In order to build a peaceful, modern and developed nation by improving the access to and quality of education, nationwide seminars on education promotion programmes in the basic education sector are being implemented in 1998, 1999 and 2000 in a phased manner. As a result of these seminars, 10 programmes in the first phase, 9 programmes in the second phase and 6 programmes in the third phase were laid down and implemented. The significant changes are: from a subject-centred to a child-centred approach; from a year-end examination system to a continuous assessment and progression system; from a lecturing method to students' active participatory approach; and the promotion of programmes to improve the life skills of students in terms of leadership, innovation, creativity and application. In accordance with the discussions and the decisions made by the education promotion programme phase III, the programme to ensure every citizen's access to and completion of primary education has been set out within the special four-year plan for the promotion of national education (financial year 2000/01 to financial year 2003/04).

199. In order for all children to have access to primary education, the MOE, in collaboration with UNDP/UNESCO, conducted the Education Sector Study (ESS) (1990-1993) and the strengthening and upgrading of teacher training colleges and schools project (1990-1992). Each and every sector mentioned in ESS was assessed and evaluated, and reforms were done where necessary.

200. Measures have been taken by the MOE to reduce dropout and repetition rates. Since 1991, the Continuous Assessment and Progression System (CAPS) project has been implemented in collaboration with UNICEF. This project has reduced the repetition rate significantly by introducing quarterly assessments of students' achievements, instead of the usual practice of the year-end tests, providing an opportunity for timely remedial teaching. Since 1998/99, in accordance with the implementation of education promotion programmes, students are promoted to the next grade based on the average score of the chapter-end tests for second grade. Both the average score of the chapter-end tests and the assessment of the performance of school activities are used for promotion to third and fourth grades. At present, above 13,325 basic education schools in 287 townships are covered by the CAPS project. Similarly, the MOE, in collaboration with UNICEF, has been implementing the All Children in Schools (ACIS) project in 76 townships and the School-based Healthy Living and HIV/AIDS Prevention Education (SHAPE) programme in 60 townships. The school enrolment rates are increased by the ACIS project. All these education projects will be implemented up till 2000/01.

201. With the cooperation of UNESCO and UNDP, the MOE implemented two projects, namely, “Improving access to primary education in rural areas” and “Improving the quality of primary education in rural areas”, from 1994 to 1996 in seven townships. These two projects were combined and implemented as one project, namely, “Improving access of children, women and men of the poorest communities to primary education for all”, from 1997 to 1999. This new project covers 2,402 primary schools from 11 township projects with the collaboration of United Nations agencies to achieve the goal of universal access to basic education for all children. (The activities are shown in Appendix E.)

202. Under the guidance of the Myanmar Education Committee, MOE launched its National Education for All (EFA) project at 30 townships in 1996/97. In the 1997/98 academic year the project was extended to 80 townships, to 100 townships in 1998/99 and 114 townships in 1999/2000. The three main tasks of EFA are as follows:

- (a) Improving access to primary education for the age group 5-plus to 14-plus;
- (b) Improving the quality of primary education; and
- (c) Strengthening the supervision and management systems of primary education.

203. MOE pays special attention to improving access to primary education for rural areas, border areas and special areas where national races reside. During the period 1988-2000, MOE was able to establish 366 primary schools, 48 middle schools and 19 high schools in the border areas with the cooperation of the Ministry of Progress of Border Areas and National Races and Development Affairs. At present, approximately 81,961 students are attending the schools. MOE also cooperates with the Ministry of Religious Affairs and has opened 983 monastic primary schools for the poor students from the remote and rural areas, and a total of 109,319 students, including novices and nuns, are receiving primary education from these monastic schools.

204. Under the guidance of the Myanmar Education Committee, the Basic Education Curriculum, Textbook and Syllabus Committee supervises the curriculum development and textbook production at primary and secondary levels. The Committee continually reviews and revises the curriculum to meet the changing needs of the country. It also monitors teaching methods and prescribes rules and regulations for assessment procedures. At lower primary level, the prescribed number of periods per week for co-curricular activities are three for life skills, three for aesthetics education, four for physical education and two for school activities; those for upper primary level are: two for life skills, three for aesthetics education, three for physical education and one for school activities. At lower secondary level, two periods for physical education and sports activities, one period for moral and civic education and one for aesthetics education are prescribed per week. At the upper secondary level, there is one period for physical education and sports activities with the rest being the same as lower secondary. Thus, every student has access to all-round development education. An assessment of the weaknesses of the existing primary school curriculum and textbooks is being made and education promotion programmes implemented in order to fulfil the needs of the nation in line with the improvement of information technology at the international level. Besides, the teacher training schools and colleges are being upgraded to education colleges and provide pre-service teacher training, distance teacher training programmes and multiple training courses. The University for the Development of National Races was opened in 1964 and has been conducting training for primary and secondary teachers in order to provide the required teachers in the remote and border areas, as well as for the development of the regions where the national races live. After completing the training, trainees are assigned to basic education schools at their localities.

205. In order to keep up with the changes in education programmes necessitated by the rapid development of science and technology and information and communication technology, the education promotion programmes have been implemented since the 1998/99 academic year. According to the programmes, the Parents' and Teachers' Association (PTA) is responsible for

assisting teachers and education personnel to improve access to primary education for the children from the respective catchment areas and cooperate with teachers to find ways to reduce dropout and repetition rates. The School Board of Trustees was formed to provide access for children to primary education and support for improving teaching/learning situations. The Department of Basic Education has been reorganized into four departments as follows:

- (a) Department of Educational Planning and Training;
- (b) Department of Basic Education No. 1;
- (c) Department of Basic Education No. 2;
- (d) Department of Basic Education No. 3.

206. In the 1998/99 academic year, the "School Family" policy was adopted in order to improve the quality of teaching/learning and the effectiveness of teaching aids. Within a township, 5-10 schools which have easy communication and transportation links are formed into a School Family.

207. To improve the quality of primary education, the curriculum has been revised and the new textbooks were distributed beginning in 1998. Learning objectives, teaching methodologies, approaches, assessments and evaluation systems have been changed. The teaching methodologies have changed as described above. Moreover, to counter the impact of Information Technology, human values, social values and the union spirit are given emphasis in the revised curriculum. In order to reduce the dropout and repetition rates, since the 1998/99 academic year, pre-school classes for 3- to 4-year-old children have opened in basic education schools that have favourable conditions.

208. Multi-media halls are open in basic education schools for the use of modern communication technology. Almost all the upper secondary schools and some of the lower secondary schools are now able to use computers, TV, VCRs and cassettes in the teaching/learning process. Most of the upper secondary schools have multi-media classrooms. In collaboration with the Ministry of Science and Technology, teacher training courses for using computers in the teaching/learning process were provided. A post-graduate diploma in multi-media arts education is offered at the Institute of Education, and the successful candidates are appointed to the basic education schools that have multi-media classrooms. Five teacher training colleges and 14 teacher training schools were upgraded to education colleges in November 1998 and pre-service teacher training is offered. Those trainees can attend the Institute of Education to obtain a B.Ed. degree.

209. To encourage the conservation of the environment, the second Sunday in July is observed as Green School and Environment Day and students are trained to plant trees, flowers, seasonal fruits and vegetables in and outside the school campus. The activities of Green School and Environment Day conducted in basic education schools are assessed and evaluated at township, state and division levels and outstanding schools are awarded prizes every year. In accordance with the education promotion programmes, the last Saturday in October is observed as the Day

for Sanitation Work at the School and students do sanitation work in their schools throughout the country. School Family Day is observed on 3 January and talent shows, competitions, exhibitions and prize distribution ceremonies are conducted. Students have an opportunity to show their talents and parents, teachers and local authorities award prizes. The basic education aims at not only outstanding performance in academic subjects but also at training good citizens who are able to contribute to building a peaceful, modern and developed country. Hence, regularity of school attendance, honesty, diligence, discipline, healthy habits and morals, civic responsibility, sociability and participation in school activities are also considered in the student evaluation.

210. Students take part in traditional Myanmar performing arts competitions held at township level, state/division level and national level, thus giving the students opportunities to participate and show their talents in this field. By celebrating traditional boat racing, children and youth have the opportunity to observe the magnificence of the ancient Royal Navy and to improve patriotism.

211. Youths gain physical growth and health by participating in sports and physical education activities carried out in school. The MOE puts more emphasis on physical education. Since 1990, students' Annual Sport Festivals have been held in states and divisions.

212. Apart from implementing activities for the all-round development of children, competitions such as essay contests, poems, paintings and TV quiz programmes are held to commemorate important days of the country such as Independence Day, Union Day, Armed Forces Day, etc.

213. MOE is cooperating with other departments and United Nations agencies to protect children from narcotic drugs and HIV/AIDS. Educational talks on drugs and HIV/AIDS are given to students by health personnel and teachers at every school and teachers' manuals are provided.

214. Expenditure on basic education under the MOE has increased from 2,597 million kyats in the 1989/90 fiscal year to 28,000 million kyats in the 2000/01 fiscal year. There are no school fees for primary education and the school fees for secondary education are nominal, and there is also a special programme to support needy students. Outstanding students in matriculation examinations receive awards from the State every year. Since 1998/99, in accordance with the education promotion programme, prizes have been awarded at School Family Day to outstanding students, both in academic subjects and in school activities, from school level to central level. The MOE successfully tapped extra resources from private sources. Schools Boards of Trustees are contributing to renovating schools and developing programmes such as setting up multi-media classrooms, language labs and trust funds for students.

215. Recognizing the rights of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts, activities have been implemented in the basic schools with the necessary aids.

216. The Child Law has prescribed that all children, regardless of whether their parents are living, must equally enjoy the rights of the child. Thus, institutionalized children and children in training schools also enjoy recreational and leisure activities such as taking trips in the country and also abroad. They attended the orphans' meetings in Kuala Lumpur in January 1997 and 2000 and the one in Hanoi in July 1998.

IX. CHILDREN IN NEED OF SPECIAL PROTECTION

A. Children in difficult circumstances (art. 22)

217. As Myanmar is not engaged in any war with other countries, there is no problem of refugees. The armed insurrection groups also have come back into the legal fold and there is peace in the country. Although there are no children involved in armed conflict, there are other difficult situations that the children in Myanmar have to face, as in other countries.

218. With the aim of emerging a fully developed nation, the Ministry of Progress of Border Areas and National Races and Development Affairs was established for the development of the ethnic people. This Ministry is implementing activities for the national races in education, health and transport and other social fields.

219. Because of the reasons mentioned in the above two paragraphs, the situations of the children of national races who need special protection are more developed. They are taken good care of by the respective departments. In particular, schools for those who are orphans, poor and in need of social protection have been opened in border areas and by doing so, education, health and other social measures for national races have been carried out effectively. Moreover, two degree colleges for the development of national races have been established for higher education.

B. Children in conflict with the law (art. 40)

220. The rights of the children who are in conflict with the law have been mentioned in the initial report. The aims of the Child Law include to enable juveniles to be tried separately and to carry out measures with the objective of reforming the character of the child who has committed an offence. This statement shows that in punishing a child, character reformation plays a predominant role. Section 46 of the Child Law prescribes that a child shall not ordinarily be sentenced to imprisonment. Only if the juvenile court is satisfied that the child has committed an offence which is punishable with death or transportation for life under any existing law or that the child is of so unruly or depraved a character, or absolutely uncontrollable, shall he be sentenced to imprisonment. Such sentence of imprisonment shall not exceed a term of seven years. Section 45 also prescribes that notwithstanding anything contained in any existing law, a death sentence, transportation for life or a sentence of whipping shall not be passed on any child.

221. In trying a juvenile case, the court has to examine the supporting evidence in respect of the age of the child involved in the proceedings. It shall determine whether the offender is a child or not from the birth certificate, citizenship card, doctor's medical certificate or other supporting evidence. The court shall have jurisdiction only in respect of a child who has not attained the age of 16 years at the time of committing the offence. It shall place on record the decision that the offender is a child before proceeding with the trial of a juvenile case.

222. During the trial, the child shall be released on the execution of a bond, entrusted to the care of parents or guardians subject to condition, committed to the custody of a temporary care facility or other appropriate place subject to conditions. Under no circumstances shall an order for detention be issued.

223. In trying a juvenile for an offence punishable by a term of imprisonment exceeding three years, the court shall try him in the manner in which a warrant case is tried; otherwise, they shall try him in the manner in which a summons case is tried.

224. If a child is proved innocent of the crime that he is accused of, the child has the right to make a complaint, to be heard and to be defended in the relevant government departments, organizations or court, either personally or through a representative, in accordance with the law concerning his rights. Thus the child has the right to defend himself in court, to give testimony and also to be defended with the assistance of any appropriate person prescribed in section 42 (c) of the Child Law.

225. So as not to frighten the child and to establish a parental relationship between the child and the court, in accordance with section 42 (a) and (b) of the Child Law, a juvenile court shall try cases in a separate court or building other than that in which the ordinary sittings of the court are held, and no person other than the parents, guardians, staff of the court, law officers, members of the Myanmar Police Force on duty and not in uniform, persons directly concerned with the case and persons who have been granted permission by the juvenile court shall be present. Section 43 of the Child Law prescribes that in the interest of the child, the juvenile court may direct anyone who is present at the place of trial, including the child, to leave the court at any time during the trial. It may direct the parents or guardian to attend every day on which the sittings of the court are held. It may also continue to try the case in the absence of the child and may allow information revealing the identity of a child who is accused of having committed an offence or a child who is participating as a witness in any case to be made public on the radio, television, in the newspaper and in magazines, journals and publications, and the photograph of the child to be displayed, if it is believed to be of benefit to the child.

226. Section 49 (a) of the Child Law prescribes that there shall be right of appeal or right of revision in accordance with the provisions of the Code of Criminal Procedure against the order or decision passed under the Child Law by the juvenile court.

Implementation

227. Myanmar has always taken measures to safeguard the rights of the child. The existing section 82 of the Penal Code prescribes that any act committed by a child of under 7 years is not an offence and also section 28 (b) of the Child Law prescribes that nothing is an offence which is done by a child above 7 years of age and under 12 who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion. Before the promulgation of the Child Law in 1993, there were two laws, namely, the Young Offenders Act, 1930 and the Children Act, 1955 to safeguard the rights of the child.

228. After ratifying the Convention on the Rights of the Child, the State Law and Order Restoration Council promulgated the Child Law in 1993 under notification No. 9/93. According to section 3 (f) of the Child Law, to enable a separate trial of a juvenile offender and to carry out

measures with the objective of reforming the character of the child who has committed an offence, a juvenile court was established in Yangon in 1955. Special training courses are conducted for judges who are entrusted with special powers to try juvenile cases. The number of these cases is shown in appendix F.

C. Children deprived of liberty (art. 37)

Legal provisions

229. In Myanmar, children who have committed an offence have the right not to be deprived of liberty. That is prescribed clearly in section 42 of the Child Law. The juvenile court shall abide by the following in trying juvenile cases:

- (a) It shall try the case in a separate court or a building, as described above;
- (b) It shall not allow any person other than the parents, guardians, staff of the court, law officers, members of the Police Force and persons directly concerned to be present, as described above;
- (c) If the child or his parents or guardian cannot or do not wish to engage a lawyer and makes an application to be defended by any appropriate person, the court shall grant permission to do so;
- (d) The court shall arrange to make an interpreter available, if necessary;
- (e) It shall dispose of the case speedily.

230. Section 41 (c) of the Child Law prohibits detention of the accused child. Section 37 (f) prescribes that the arrested child shall be sent to the relevant juvenile court as soon as possible and section 37 (g) prescribes that if this is not possible, the child shall be released on execution of a bond.

Implementation

231. Measures have been taken to protect children from being deprived of liberty. In trying juvenile cases, whether the offence committed is serious or not, if the character of the child is not yet perverted and in order to deter further commission of offences, such child shall be entrusted to the custody of his parents or guardian on execution of a bond for good behaviour for a period not exceeding three years, including a child of perverted character; if the child has no parents or guardian, he is committed to the custody of a training school for a minimum period of two years or until he attains the age of 18 years.

232. Care has also been given by the training school, temporary care facility, home or residential nursery established by Department of Social Welfare or non-governmental organization to children who are in need of protection and given the right to live outside the training school with a suitable person or on a parole licence, under the management and supervision of the training school. Orphans under 5 years are given for adoption, school-age children are sent to school and for some children vocational education is given. When the children reach 18 years of age they are placed in jobs suitable for them.

D. Exploited children

233. Section 24 (a) (ii) of the Child Law prescribes that every child has the right to engage in work in accordance with the law and at his own volition. Section 24 (a) (ii) of the Child Law also prescribes that the child has the right to hours of employment, rest and leisure as prescribed by law. In Myanmar, there are children who are working to add income to the family. These children, however, are not engaged in hazardous jobs and laws do exist that protect the children from being exploited.

1. Child labour (art. 32)

Legal provisions

234. To ensure the safety of every working child, section 24 (b) of the Child Law stipulates that the Ministry of Labour shall protect and safeguard the rights of children at their places of work.

Implementation

235. Section 24 (a) (ii) of the Child Law refers only to the provisions concerning working hours and rest periods that are prescribed by existing laws, i.e. the Factories Act, 1951 and the Shops and Establishment Act, 1951. The Parliament enacted the Factories Act, 1951 to ensure safe and healthy workplaces. The Act has stipulations relating to children and young persons. A child under the age of 13 years is prohibited from working. A child who is between the ages of 13 and 15 may work for a maximum of four hours a day and shall not be permitted to work between the hours of 6 p.m. and 6 a.m. The period of work of all children shall be limited to two shifts which shall not overlap, and both of which shall not exceed five hours inclusive of intervals. Each child shall be employed in only one of the relays which shall not be changed more than once a month. Sunday is a weekly holiday for child workers and there is no exemption from these provisions. A young person from 15 to 18 years old may be allowed to work as an adult if he is in possession of a medical certificate that he is fit to do so. Under section 81, the manager of every factory shall maintain a register of child workers.

236. According to the Shops and Establishments Act, 1951, the child under the age of 13 years shall not be permitted to work in any shop, commercial establishment, or establishment for public entertainment. Section 8 (i) (ii) provided that the President may fix an hour beyond which young persons who have not attained the age of 18 years shall not be allowed to work in any shop, commercial establishment or establishment for public entertainment. These provisions are implemented by the Ministry of Labour.

2. Sexual exploitation and sexual abuse of children (art. 34)

237. In Myanmar, there are laws that protect the children from being sexually abused and sexually exploited. Preventive measures have also been taken such as income-generating programmes, microcredit loans, formal and non-formal education, giving health talks and parental education programmes and family counselling. Research has been carried out on this

issue and information, education, communication (IEC) materials have been disseminated at various levels of the townships in the country and long-term prevention programmes are being carried out. A project on prevention of sexual abuse and sexual exploitation in the greater Mekong subregion was implemented in 1998 by the Social Welfare Department and the Economic and Social Commission for Asia and the Pacific (ESCAP). The project activities included training of trainers for service providers, a national workshop on sexual abuse and sexual exploitation, awareness programmes, production of IEC materials and attending the regional workshop on sexual abuse and exploitation. In addition, follow-up project activities will be carried out in 2001 to 2002 through the national awareness meeting on sexual abuse and sexual exploitation and training programmes.

E. Sale, trafficking and abduction of children (art. 35)

Legal provisions

238. In Myanmar there are laws that protect the children from being trafficked. Section 362 of the Penal Code states that whoever by force compels, or by any deceitful means induces, any person to go from any place is said to abduct that person. Whoever kidnaps or abducts in order to murder, or kidnaps, abducts or induces a woman to compel her to marry, etc., or kidnaps or abducts in order to subject a person to grievous hurt, slavery, etc., or wrongfully conceals or confines a kidnapped or abducted person shall be punished with imprisonment for up to 10 years, and shall also be liable to a fine. Furthermore, the Penal Code provides that whoever kidnaps or abducts any child under the age of 10 years, with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment for up to seven years and shall also be liable to a fine.

Implementation

239. In Myanmar, great care has been taken in regard to the issue of luring children, especially girls, with false promises to another country. The Myanmar National Committee for Women's Affairs and the related ministries are placing great emphasis on preventing children being trafficked. A task force on trafficking has been formed comprised of members of the Myanmar National Committee for Women's Affairs, related ministries and NGOs. This issue has been dealt with in detail in chapter VI of this report.

F. Drug abuse (art. 33)

Legal provisions

240. The Child Law prescribes that a child who uses a narcotic drug or a psychotropic substance is a child in need of protection and care. Section 33 (a) of the Child Law prescribes that whoever is of the opinion that any child should be protected and cared for by the State may inform the relevant social welfare officer.

241. Section 22 (c) of the Narcotic Drugs and Psychotropic Substances Law prescribes that if any of the acts provided in sections 16 through 21 have been committed making use of children who have not completed 16 years in the commission of the offence, the offender shall be liable to the maximum punishment provided for such offence.

Implementation

242. Myanmar is striving to eliminate narcotic drugs by drawing up two national strategies and adopting three tactics, namely, law enforcement, supply elimination and demand reduction. A 15-year plan of drug abuse elimination has been drawn up and implemented. An agreement has been signed to work cooperatively among countries of the region, with other countries, United Nations agencies and NGOs.

243. Out of the 11 sectors, the 2 sectors Educating Students and Youth, and Mass Media Sector Committee have held educational talks in schools and distributed posters and cartoons and held essay competitions.

244. The Rehabilitation Sector of the Social Welfare Department has conducted training courses for voluntary social workers of various townships. These trained social workers, under the guidance of anti-narcotic committees, give education to both parents and children. Apart from rehabilitation, reintegration also takes place through counselling and other measures.

G. Ethnic children (art. 30)

Legal provisions

245. It is prescribed in section 14 of the Child Law that every child shall, irrespective of race, religion, status, culture, birth or sex, be equal before the law and be given equal opportunities.

Implementation

246. Activities implemented regarding the ethnic children have been mentioned in various sectors of the report.

X. CONCLUSION

247. Myanmar society is founded upon gentleness and kindness and there is no discrimination based on sex, culture, class or colour. Children in Myanmar are regarded as jewels by Myanmar society and systematic child-rearing is practised, and thus it is one of the most child-caring countries among the developing countries. The upbringing of a Myanmar child is also influenced by his or her own religious teachings and guidance aimed at becoming a noble and worthy person of the society. Theravada Buddhism, the predominant religion in the country, naturally plays a vital role in this respect.

248. Activities carried out for the survival and care of children, such as efforts to reduce the infant and maternal mortality rates, nationwide immunization campaigns, birth spacing and family planning programmes have been described in this report.

249. Myanmar has always fulfilled the physical, mental, spiritual, moral and social rights of every child. In order to serve the best interest of children, the commitments and endeavours not only of parents and teachers, who are the most responsible persons, but also the important role played by the environment of children have been highlighted in the respective chapters of this report.

250. Programmes are being implemented with a view to ensuring the health of children from birth. These programmes encompass promotion of quality education, allocating leisure and recreational time during school hours and creating and encouraging children's participation in cultural and sports activities. Programmes carried out for the new generation who will shoulder the responsibilities of the State have been mentioned in the respective chapters of this report.

251. Children in need of special protection are being taken care of at government, non-governmental organizations and private institutions. Moreover, in the best interest of the child, adoption services have been rendered to those who wish to adopt an orphan. These have been presented in this report.

252. In carrying out programmes for the benefit of children, obstacles and weaknesses are being addressed in cooperation with countries of the region with the support of United Nations agencies and in collaboration with community-based organizations. As Myanmar shares its borders with Thailand as well as with the two most populous countries, namely China and India, preventive and protection measures for children have been addressed through bilateral and regional cooperation strategies.

253. Promulgating the Child Law in 1993 just two years after ratifying the Convention on the Rights of the Child in 1991 has been a significant achievement for the children of Myanmar. Recently, the Ministry of Social Welfare, Relief and Resettlement in coordination with the Office of the Attorney-General has finalized the drafting of the Rules of the Child Law. These Rules will be promulgated after obtaining the approval of the Government. In line with the principle "First Call for Children", Myanmar regards children as among those who deserve care first. The vision in the new millennium is to hand over a better world to capable youths. With this vision, Myanmar today is doing its utmost to create the best opportunities for children.

List of appendices

- Appendix A - Training on the Convention on the Rights of the Child and the Child Law
- Appendix B - Children at the training schools under the Department of Social Welfare from 14 July 1983, date of the enactment of the Child Law, to 31 December 2000, in accordance with section 34 (a) of the Child Law
- Appendix C - Vocational training in the training schools under the Department of Social Welfare, 1 January 1994-31 December 2000
- Appendix D - Reintegration of children being cared for at the training schools, 1 January 1994-31 December 2000
- Appendix E - Education projects implemented by the Ministry of Education in collaboration with United Nations agencies
- Appendix F - Juvenile offences adjudicated at the juvenile court, 1993-1999
